DEPARTMENT OF STATE
RECEIVED
JAN 25 1871

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No 36 One Enclosure

Frederick F. Low

to

Department of State

Peking November 15 1870

Enclosing copy of a note to Prince Kung conveying the thanks of the President for the humane conduct of certain Mandarins toward the officers & Crew of the Bark Lane

No 36. 1 Enclosure

Legation of the United States

Peking November 15 1870

Sir:—

In obedience to the instruction contained in your No 12 I have addressed a note to Prince Kung conveying the thanks of the President for the humane and generous conduct of certain Mandarins towards the officers and crew of the American Bark Panama which was wrecked on Flat Reef in March last.

A copy of my note is sent herewith (enclosure a)

I am, Sir

Your obedient Servant

Frederick F Low

Hon Hamilton Fish

Secretary of State

Legation of the United States.

Peking. Novem. 14. 1870.

To His Imperial Highness Prince Kung, &c &c &c

Sir,

The Hon. Hamilton Fish, Secretary of State at Washington, has sent me the orders of the President to make known his thanks for the kindness shown to the crew of the American bark "Parsee". The following particulars of this case were reported this year to Mr Fish by Gen. Le Gendre, the United States' consul at Amoy:—

"On the 28th of March, the American bark "Parsee" was wrecked on a reef about 20 miles north of Amoy. There being no U. S. man-of-war in port at the time, I requested the aid of H. B. M. gunboat "Banterer", whose commander willingly consented to go to the

"help

"help of the shipwrecked crew, and, reached
"the place where the disaster occurred
"on the 31st. He found neither crew nor
"goods there, and went on to Chinmo in
"the district of Yung-ning, where he learned
"that Chung, the township official of Loh-
"yang, had extended his help to the captain
"and family, and had brought the whole
"crew, seventeen in all, to his town. They
"were then all received on board the
"Banterer," and brought down to Amoy.

"The captain of the bark having
"left behind property estimated to be worth
"$5000. I immediately informed Ting, the
"Intendant of this Circuit, who dispatched
"a Chinese steam gunboat, and Chin the naval
"commander here, likewise sent a native
"revenue vessel up to the place. They found
"that

"that the wreck had been stripped and broken
" up by the natives, and no goods were left;
" but the baggage and other things en-
" trusted to the care of Chung by the
"" captain, were all obtained and brought
" away. He also speaks in high terms of
" the kindness shown by this magistrate
" to him and his crew, feeding and shel-
" tering them all during their "stay."

I have therefore the honor to request that the humane conduct of Chung at Chimmo to the shipwrecked crew of the bark "Parsee", and the readiness of Jing the Intendant, and Chin the naval commander, to secure what property was left, be made known to His Imperial Majesty, and the thanks of the President for their praiseworthy acts be conveyed to them.

them. I may remark further, that if the natives see that their rulers treat distressed foreigners with kindness, they will be disposed to imitate them in this respect; and if future cases like this occur, where protection and help are given, the unhappy sufferers will have cause to thank the township magistrate of Chimmo for his kindness shown in this instance

I have the honor to be,

Sir,

Your Imperial Highness'

Obedient Servant,

Frederick F. Low

Asia

Ltr
paper from
Jan 15 — Mr Pratt

DEPARTMENT OF STATE RECEIVED JAN 25 1871

Did as 18th Feby. 1871.

No 37 — One Enclosure

Frederick F. Low

to

Department of State

Peking November 22d 1870

Relating to the proposed expedition to Corea in May 1871, and enclosing extract from a letter of North German Minister in Japan describing his visit there in June 1870

FOREIGN Relations '71

No 37 One Enclosure

Legation of the United States
Peking November 22 1870

Sir:-

During the recent visit of Admiral Rodgers and Consul General Seward to Peking an opportunity was afforded for the Admiral, the Consul General and myself to consult together in regard to carrying out the instructions contained in your No 9 with reference to opening negociations with Corea

Hon Hamilton Fish
Secretary of State

Corea.

It seemed in every respect desirable to select a favorable season for the visit to the Coast of Corea, of which so little is known, and at the same time it was my desire to so arrange it as to interfere as little as possible with the plans of the Admiral and the requirements of the naval forces in other places

This now determined, — subject however to any change which may be rendered necessary by circumstances, either to the Admiral or myself that the expedition shall start

1.

start from Shanghai or Chefoo,- the latter if possible- between the 1st and the 15th of May next. The line of procedure will so much depend upon the temper of the Corean officials that no definite plan can be decided upon at the present moment.

I shall be glad to avail myself of the advice of Mr Consul General Gerard, and shall expect to profit by his experience, if he goes He was shown your instructions to me, and invited to join the expedition. If he reaches China in season,

after

after his visit to India, -
where he goes for the Winter -
he may accompany me.

In order that the Coreans
may not have any grounds
on which to base technical
objections I have, respectfully, to request that a
Commission may be sent,
by the Steamer leaving San
Francisco not later than the
1st of March next, authorizing
me to negociate and sign
on behalf of the United States
such treaty or treaties with
the Government of Corea as
may be deemed advisable.

During the Winter I

shall

shall use every exertion to
obtain information in regard
to this unknown country from
the Chinese Authorities, and
also, if possible, from the
Corean officers accompanying
the Tribute, which reaches
Peking annually, in December
or January

The North German Minister
in Japan attempted to open
communication with Corea
last Summer. To facilitate his
proceedings he took a Japanese
official with him, hoping by this
means to reach the Government
of Corea. I enclose copy of
an extract from a letter from

the

the Minister in Japan to the North German Minister in Peking (enclosure a) giving a brief account of his visit and hasty departure. From this it appears that the Coreans are disposed to seize upon any subterfuge to oppose the entrance of foreigners into their dominions

As stated in a former dispatch, I am not sanguine of favorable results; at the same time the object aimed at is worthy of the trial, and no effort on my part shall be wanting to accomplish it.

I have &c the honor to be

Sir,

Your obedient servant

Frederick F Low

Translation from the German

Extract from a

a letter from M. Von Brandt

Minister of the North German

Confederation in Japan to

Baron de Rehfues Peking

The vicinity of Korea in-

-duced us to make a little trip

in this direction, and we arrived

there on the forenoon of 1st June.

The harbor of Fusang is ex-

-cellent, but the country dreadful;

- quite bare and yellow, only in

some few places overgrown with

wood and quite deficiently cul-

-tivated. The Japanese

Station is a miserable vill-

-iery most houses of which

are

are in ruins. They are inhabited by half a dozen officials and 30 or 40 coolies, who are not allowed to absent themselves further than half a mile from their lodgings, and are altogether very badly treated by the Coreans. My chief object was to obtain a clear insight into the whole matter, and through the interposition of an officer of the Japanese Foreign Office, whom we had on board, I requested the Japanese Chief of the Factory to tell the Corean officials that, in case they were desirous to receive a communication regarding shipwrecked German subjects

subjects I could give them
such information either on
board or in the Japanese Factory.
The answer to this proposition
is highly characteristic, and
will convey to you the plain
truth about the state of
affairs in these parts better
than anything else. The
Corean authorities thought it
exceedingly impudent that
the Japanese had delivered
a message of this kind, and
they also declared it quite im-
proper that some Japanese
had dared to come to Corea
on board a foreign vessel.
For these reasons the relations
between the Japanese officials
and

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the Japanese had delivered
a message of this kind, and
they also declared it quite im-
-proper that some Japanese
had dared to come to Corea
on board a foreign vessel.
For these reasons the relations
between the Japanese officials

and

and the Corean Government must be broken off immediately, and were not to be resumed until a Japanese on board the foreign vessel had left the country. This proof will be sufficient for you. I hastened, of course, to assure the Japanese officials that ~~th~~ should be inconsolable if any difficulties were likely to result ~~to~~ the Japanese from the circumstance that some of their officers were on board our ship. We would start therefore as soon as possible This Capt Kohler did on the 2c of June after some gun practice.

During

During a walk on shore, the people we met in the fields were tolerably courteous, but as we approached a village the whole of the inhabitants assembled in the street, offering passive resistance, and declaring that the Japanese were not allowed to go any farther. Of course we retreated courageously and cannot complain about the people generally, who behaved themselves towards us in a more civilized manner than the brave Germans would have done towards the Coreans. They are strapping fellows, all dressed

in

ni white as they are represented on pictures Their villages and towns are miserable like their junks and boats.

No arms whatever are to be seen and are said to consist solely of matchlocks. During the gun-practice, a few thousand people with flags had assembled from a large town ni the neighborhood, but on this occasion too no arms were seen

Encl
Desp

A & R 7 Feb

DEPARTMENT ARCHIVES JAN 15 1971 OF STATE

No 38 7 Enclosures

Mr. Low in his "private & confidential" letter of Nov 24 - desires this despatch not to be published -

Frederick F. Low

to

Department of State

Peking November 24. 1870

Enclosing a "Circular" of the Chargé d'Affairs of France, and other documents explaining the situation of affairs, and showing the measures of reparation offered by China to France, with comments thereon

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No 38 7 Enclosures

Legation of the United States
Peking November 24. 1870

Sir:-

In further explanation, if not conclusion, of the history of the difficulties between China and France occasioned by the Tientsin massacre, and to exhibit the measures of redress which China proposes to accord for the outrages committed, I have the honor to enclose a series of documents marked A. B. C. D. E. F and G

The

Hon Hamilton Fish
Secretary of State

The first is a careful translation of a circular addressed by the Chargé d'affaires of France to all his Consular subordinates in China, and enclosures B and C are copies of despatches from Prince Kung to the representative of that Power, in which the measures of redress are clearly stated, and by whom copies were furnished to the other Legations. This "Circular" is a remarkable document, and furnishes additional evidence of the vascillating if not premeditated erratic course of Count de Rochechouart, and confirms the opinions heretofore expressed.

G

If it is intended to present a candid statement of facts, either the writer has been most unfortunate in his recollection of events that took place; or his ideas as expressed in French, are not susceptible of being correctly translated into English. He says "I have neither approved nor "disapproved the programme" &c, - which naturally leads his reader to infer that the propositions for the payment of indemnity were to be made by the Chinese Envoy to the Government of France, leaving it optional with the latter to accept or reject them. But the fact is, that this sum of

460 000

460 000 taels ($657,140) was paid into the hands of the French Chargé prior to the departure of Chunghow; and his receiving it gives his tacit "approval" to the "programme" it seems to me, and still more naturally leads the Chinese officials to believe that they are correct when they say (see Enclosure F.) in their despatch: "the affair has been "settled"

He is equally unhappy in his assertion when he says "Ah My demand the Chinese "Government has sent Chunghow "as Embassador to France". The suggestion of the appointment

of

of an Envoy came from myself and others, and the Chinese agreed to act on it, but his departure was delayed until the criminals had been punished; and nothing retarded their punishment more than M de Rochechoarts unwise action. I have given you the details in my former despatches, and it was really his erratic course which seemed likely to put the whole matter for the time beyond the scope of diplomatic action, and suspended the earnest prosecution of the guilty actors by their own authorities, who were so greatly alarmed by more serious complications

and

and dangero

In attempting to
correct the "misstatements, which"
he says "have crept into the public
opinion" he has, I fear, only
added to the misconception which
already exists. I pass over the
First points which he makes in
regard to Genl Chin Kwoh-jui,-
whose decapitation was demand-
-ded without trial, and merely
request you to read, in connection
with the statements given in the
Circular, Count de Rochechouarts
"Memorandum" sent as enclosure
A in my despatch No 27.
The second points may technically
be correct, if judged by the
exact

exact and formal diplomatic usages of Western Nations; but, when the ignorance of Chinese officials concerning the customs of foreign courts in such matters is taken into consideration, added to the paucity of terms for all the niceties of such correspondence in the Chinese language, his statements is not couch, and the high provincial authorities were justified in believing that non-compliance with his demand, especially after the arrival of Admiral Dupré, meant war. Further, not only did the Chinese believe it, but the Foreign Representatives in

in Peking were of the same opinion. As further explaining my view of the case I respectfully request your to read enclosure &c, and three marked B and D which accompanied my No 27

The Chinese fully expected that hostilities would open upon them because they would not surrender the three officials to summary execution, and prepared to resist the French force as best they could, whenever an attack should be made. This to this preparation for resistance that I attribute most of the hostile attitude

of

of the people at Tungchow
Canton and elsewhere; and
as a consequence, it has chiefly
been the cause of the alarm
of foreigners. In China,
where there are neither newspapers
nor telegraphs to inform the
people, nor rail-roads to bring
them into constant and rapid
intercourse they of course are
ignorant of the designs of their
own rulers. When they saw,
therefore large bodies of troops
moving towards points where
there were no internal troubles
to suppress, their only conclusion
was that some offensive move-
ment was contemplated against
foreigners

foreigners. I have no doubt that this belief, did exist for a time, and constituted a legitimate cause for alarm; and it is for this reason that I hold the conduct of the French Chargé, which unnecessarily caused this state of things as justly a subject of censure by every one whose personal safety was endangered thereby

Count de Rochechouart is correct when he says that he found his colleagues, without exception, ready to second his efforts whenever he consulted them; but if it be inferred from this, that they advised

and

and "ecinded" all his acts, the opinions would be very erroneous.

They had no knowledge of his proceedings at Tientsin until informed of them by Prince Kung; and when Baron Rehfues, the Doyen of the Diplomatic Corps, in an unofficial and friendly note, informed him that his course did not meet the approval of his colleagues a reply was returned; - that "the Chargé d' "Affaires of France was ac- "countable for his official acts "only to the Duc de Grammont."

And when he called his colleagues together after his return

to

to make known to them the
measures of punishment and
redress which the Chinese
Government proposed, and
sought their counsel and aid
because of the weakness of his
own Government. They, forgetful
of his past follies, tried to
support him with heartiness
frankness and unanimity
to strengthen his hands in
the interests of humanity in
order that justice might be
done, and not to assist him
to obtain a few thousand
additional taels as indemnity.

And more than all this,
they never anticipated that
after

1

after their joint action, he would make a substantial settlement by accepting the terms offered by the Chinese without consulting his colleagues, thus leaving them in the position of protestants to the Imperial Government against a settlement which he stood ready to accept.

If on the other hand he has received the money, and has advised his Government against accepting the terms offered (not an unlikely thing) this is a breach of faith towards the Chinese of which they might justly complain. Such a

course

course would have a malign influence on the standing and integrity of all foreign nations, and weaken their power for good, in the estimation of the officers and people of China by casting a taint of insincerity on whatever they said. In this behalf a common civilization and christianity now brought vis-a-vis this Pagan Empire, it seems to be obligatory on all nations to declare their strong dissent from so mischievous a policy

The present position of this affair is:- The Chinese Government believes that ample reparation

reparation has been made and expects that the Government of France will express its satisfaction at the amend; while, if I am not entirely wrong; that Government is really left free by its Representative to reject the terms, and reopen the whole case. It is useless to speculate on what France will be likely to do under all the circumstances; or to comment on the adequacy of the reparations made, further than to say, that were any other Government than China the aggressor, the punishments inflicted and the indemnities offered would be considered ample satisfaction

for

for the outrages committed by
the people of Tientsin

The letter which Chunghow
bears to the Government of France
(Enclosure F) contains a frank
explanation of the difficulty,
disclaims all participation on
the part of the Government in
the riot, and empowers their
Envoy to make such an apology
as he may deem proper

Prince Kungs letter to me
(Enclosure D) and the draft of
the Proclamation, both contain
a clear recognition of the rights
of merchants and missionaries,
and will do much to enlighten
the people in regard to the rights

of

of foreigners, and the corresponding duty of their rulers to afford them protection In my reply (Enclosure E) while ex-pressing satisfaction at the tenor of the note and Proclamation I called the attention of the Prince to the discrepancy that exists between his note and M de Rochechouarts circular, in the hope that some further explanation might be furnished, but as yet I have no additional light The proclamation contains such an explicit declaration of the intention of the Imperial Government to cause all treaty rights to be observed

observed, that I have caused
several hundred copies of the
Chinese version to be printed,
and have distributed them to
all our Consuls to be circu-
-lated among the people as
widely as possible at and
near the open ports, with
the request that they will
report to me how far the
local authorities have posted
it, and what is the reception
it meets The printing pre-
cau, in such a case, be
brought in to aid the designs
of the Government, for the
mere posting of it in the
various yamens throughout

the

the country does not reach
the great body of even the
educated natives. The U S
Vice Consul at Tunis in-
-forms me that it has al-
-ready been posted in that
City, and that there is now
no indication of turbulence
among the native inhabitants

I have the honor to be
Sir,
Your obedient Servant
Frederick J. Lowe

Dispatch 38
Inclosure A

Translation

Circular of Count Rochechouart,

Chargé d'Affaires of France.

Legation of France in China.

Sir,

I have the honor, for your special information, to communicate to you the various reparations which the Chinese Government has decided to offer to the French Government in relation to the Tientsin massacre. I have neither approved nor disapproved this programme, which has only just now appeared, and in which I had no hand. At my request, the Chinese Government has sent

Chunghow

Chunghow as embassador to France to explain its conduct, and if possible bring about an agreement thereto; and therefore I cannot, until the issue of the mission is known, prejudge the definite decision of my Government. But that which I can and ought to make known to you is, that in my opinion, there is now no danger that the sad events which took place at Tientsin will be repeated at present in other parts of China; and I desire that you will reassure those persons who may come to consult you on this subject, that they can pursue their avocations and their trade as in times past under existing treaty stipulations.

The Chinese Government has promised to take all the measures necessary

to

to assure security everywhere; and wherever I am not sufficiently convinced of the efficiency of this promise, I shall try to take the necessary precautions to guaranty the security of life and property to my fellow-countrymen against all untoward contingencies.

I desire also to avail myself of this opportunity, Sir, to rectify some misstatements which have crept into public opinion, and ought to be dissipated.

1st Until the events at Tientsin took place, I had never even heard the name of Chin Kwoh-jui, nor has this person ever been mixed up with any affairs that I have hitherto been called upon to discuss.

2d It is altogether false that I have

presented

presented many ultimatums to the Chi-
nese Government to exact from it this
and that satisfaction. It is true that I
have insisted on certain points, but I
have never formulated any demands
sine quâ non.

3? I do not believe that any plot
existed at Peking to massacre the Euro-
peans living in the city. It is possible
that in the days just after the events
at Tientsin, we had some grounds for
fearing the reäction of that mournful
tragedy; but these apprehensions were
happily soon dissipated whenever we
reflected on the composition of this po-
pulation, in which the Tartar element
so preponderates as to oppose any rising—
at least one which might be encouraged
by

by the central authority, which under the circumstances had no interest in aggravating the situation.

4° It is perfectly true that a letter written by M. Fontanier the very day he was murdered, has furnished the strongest argument in behalf of the innocence of Chunghow; but it is untrue [to say] that while I was at Tientsin he breakfasted with me or I with him; even when he came to visit me on board the "Flamme", he did not receive the military honors due to one of his rank.

5° The most complete accord has never ceased to exist between the different Representatives at Peking; and every time that I have consulted with my colleagues,

colleagues, I have found them, without exception, ready to second my efforts. Some of them were the more especially interested in the question, owing to the cosmopolitan character of the Sisters of Charity, and have never ceased to insist strongly that the Chinese Government should punish the murderers of their countrywomen.

You will do well, Sir, to improve every opportunity to thank, on behalf of the French Government, your colleagues and the communities at the different ports for their constant sympathy shown under these painful circumstances

Please receive the assurances, &c &c

Dispatch 38
Inclosure B

(Translated from the French)

Official Dispatch from Prince Kung
to the Count de Rochechouart.

October 18. 1870

I have had the honor to receive
Y. E. dispatch relative to the events at
Tientsin, in which you express the in-
dignation and grief that they had
produced; you also furnish with it a
list of the victims. The tidings of these
unexpected misfortunes was also a cause
of very great sorrow to us.

During the many years that
China and France have maintained
friendly relations, no one has ever
anticipated such a catastrophe as this;

and

and we are still covered with confusion and concern.

It has been decided that the sum of 250.000 taels shall be paid as an indemnity. According to the decision of the Board of Revenue. Y. E. will be able to receive this sum from the customs' revenues of Kiangnan and Kwangtung, to be divided, according to the annexed account, between the families of Consul Fontanier, the other functionaries and the merchants; the Church will receive the remainder.

On the 12th inst. your dispatch was received, informing me that the material losses sustained by the religious establishments and others, amounted

amounted in all to the sum of 210.000 taels; the Board of Revenue has decided that the payment of this indemnity shall be a charge upon the maritime customs at Tientsin.

Such is the object of this communication.

Division of the Indemnity.

	Taels
M. Fontanier, consul	30.000
M. L. Simon, chancelier	20.000
M. & Mad. Thomassin, chancelier	50.000
M. de Challemaison, merchant	10.000
Mad. de Challemaison	10.000 T 120.000
For the Church	130.000
	Taels 250.000

True Translation

(Signed) Devéria

Dispatch 38
Inclosure C

(Translated from the French text.)

October 19. 1870

His Imperial Highness Prince Kung, President of the Council for Foreign Affairs to Count de Rochechouart, Chargé d'Affaires of France.

The massacre of foreigners at Tien-tsin on the 21st of June last was the result of kidnapping by natives who then charged it to the Christians; suspicion changed into hatred, and the circumstances made known from one to another produced such indig-nation that it soon brought about a catas-trophe.

The very day that the facts were reported to the Emperor, a Decree was is-sued expressly ordering Tsäng Kwoh-fan, the Governor-general of Chihli, &c. &c., to

go

go immediately to Tientsin to make inquiry into the matter and settle it. At the same time another Decree appeared, ordering the Governor-general and Governor of Chihli province to enjoin upon the officers under their jurisdiction, to protect, whenever it was required, all places of foreign commerce and propagation of doctrines.

The Emperor has also been pleased to designate Chunghow, a junior guardian of the heir-apparent, wearing a red button and decorated with a double-eyed peacock's plume, a lieut.-general of the bordered red banner, Vice President of the Board of War, and Superintendent of Trade for the Three northern ports, [as his envoy] to go to your noble Government, and give this official mark of the sincere friendship which -

animates

animates both nations.

This catastrophe has come upon us, — Prince and Ministry, in a manner altogether unlooked for. We profoundly deplore that the officers and subjects of your noble empire should have been the unhappy victims of such an outrage. China has had friendly relations with France during many years, and we should never have thought that the people would have committed such an unprecedented and incomprehensible act.

We have at various times officially made known to Y. E. the Decrees relating to these events. We have further sent you other dispatches assuring you that the malefactors engaged in this deed should be arrested and severely examined;

and

and the murderers, whatever their rank might be, should be condemned according to law; and the recreant local authorities should be brought before the Board of Punishments. Also, that the mission establishments, the Consulates, and other buildings destroyed should be restored by means of an indemnity. Further that we still more regret, if it be possible, the death of the Sisters of Charity, and asked you to give us a list of the victims so that we can have a basis of calculation for a pecuniary indemnity. These have been the topics of the dispatches hitherto sent you.

Conformably to what was made known to you, the Governor-general of this province Tsang Kwohfan and his colleagues have reported that they have

proceeded

proceeded with their inquiry into the circumstances which brought about the riot. They explicitly declare that the assertions that the eyes and hearts of people had been extracted were mere fables, and that nothing of the kind had ever taken place. They consequently prayed the Emperor to issue a Decree, removing all doubts which might still remain in the minds of people upon this subject, and strictly ordering the local civil and military authorities to diligently pursue the murderers. These high functionaries at the same time memorialized the Throne, that the prefect of Tientsin Chang Kwang-tsao, and Liu Kieh the magistrate, might be degraded and delivered to the Board of Punishments, as both of them were culpable for not having

maintained

maintained order beforehand, and for not immediately arresting the guilty actors in the riot.

On the 9th of October, a Decree appeared in which the Emperor, considering that the prefect and magistrate of Tientsin had taken no measures to prevent that which had arisen between the people and the Christians; and after the riot had never laid hands on any of the guilty, gave his consent to the process recorded against them. In consequence Tsang Kwoh-fan and his colleagues tied [illegible] the two degraded officers, and forwarded them under a strong guard to the Board of Punishments. This tribunal proposed to His Majesty to sentence them according to the law entitled, "Rioters out-

breaks

"breaks of the populace, and incapacity of the
"local civil and military authorities to re-
"press disorder and afford protection;" —
that is to say, a painful negligence which
seeing that the gravity of the facts augments
the evil, involves a forced obligation in the
works of the frontier army. The Emperor
was requested, in view of the extreme gravity
of the case, himself to designate the place
of exile, [which he did thus]: —

"The said prefect and magistrate were
"responsible within their jurisdictions; they
"were not however able to suggest a way to
"prevent the Tientsin populace from rising
"en masse and committing these deeds. Owing
"to this the evil disposed seized the chance
"to burn and kill so many persons; and what
"aggravated the matter, they did not arrest

"the

"the guilty parties as quickly as they should
"have done. They are therefore condemned
"to be banished to the Amoor River to expiate
"their crime by hard labor."

By this severe punishment, the Emperor wished to warn all others, [as follows]:

"The populace of Tientsin, excited by
"suspicion and fury, cared nothing for the
"measures of the local authorities to -
"maintain peace, and carried their audacity
"so far as to make more than twenty victims,
"among whom were the Sisters of Charity, -
"whose cruel massacre only the more proved
"the baseness of the murderers. Tsăng Kwoh.
"fan and his colleagues having tried the
"persons arrested for connection with the
"riot, have proportioned the punishment
"to the heinousness of their crimes. Fung

"and

"and fifteen others have been condemned to
"death; Wang and twenty-one others have
"been banished (ten years) to the most re-
"mote frontiers. The Emperor has approved
"these just punishments, and has ordered
"Fung and his accomplices to be executed,
"and Wang and his party to be sent to their
"places of exile.

"After these acts of severity, the local
"authorities in the province of Chihli will
"be required to issue proclamations, order-
"ing the inhabitants everywhere to attend
"to their own affairs and respect the laws,
"so that such things may not again occur.
"Whenever any case arises connected with
"foreigners, it should be managed according
"to treaty and justice in a satisfactory man-
"ner. Our hope is to see order reign every-

"where

"where, and peace exist between foreign
"and native merchants. Respect this."

On the 9th of October appeared
another Decree, issued upon a supple-
mentary report received from Tsäng
Kwoh-fan:- "The criminals whom Tsäng
"Kwoh-fan and his colleagues have repor-
"ted, ought to be condemned as their sen-
"tences have been given, - viz. Liu and
"four others to capital punishment, and
"Täng and three others to banishment ac-
"cording to the gravity of their offenses.
"Respect this

The Decrees here cited were officially
communicated to you.

At the first, you, Sir, spoke of the
execution of the prefect and magistrate
of Tientsin, and of General Chin Kwoh-jui,

and

and perhaps this solution of the matter therefore may not be altogether satisfactory to your Excellency. An acquiescence in your demands involved great inconveniences to China, and the explanation of these points will naturally be given verbally by H. E. Chunghow to your honorable Government. I wish to refer to this point, because it has been fully proved by the inquiries of the Governor-general that the events at Tientsin owed their origin to the belief of the people there to certain rumors, and were not the result of the instigation of the local officers. The murderers have been capitally punished, and the two officials degraded and sent to the Amoor River to expiate their crimes by hard labor with the

army

army on the frontier. This sentence is really a very severe one, and will serve as a lesson for the future. General Chin Kwoh-jui was at Tientsin by chance, being sick and on a journey; he had nothing to do with what took place, and there is no need of further reference to him.

In executing those condemned to death, China has acted in good faith, and shown no partiality.

A dispatch of Y. E. admits that the losses sustained by the missionaries and others will be compensated by the sum of 210,000 taels.

Our sovereign, profoundly regretting that the functionaries and merchants and their wives, and the Sisters of Charity, were

were victims in the events that took place at Tientsin, has fixed 250,000 taels as the amount of the pecuniary indemnity. We have already officially advised you as to the manner of its distribution.

Although the Tientsin affair is finished, we are still engaged in taking measures against the recurrence of a like grievous tragedy, and the new Governor-general of this province will remain at Tientsin for the purpose of securing more efficient protection.

Seeing that during so many years this country has been on friendly terms with your honorable kingdom, it is unfortunate that the acts at Tientsin should have arisen among the people; but this ought not in any way to diminish

confidence

confidence, or place a stigma on the national honor. The question which has so long engaged our attention is now cleared up and settled.

The High Minister Chunghow has received orders from the Emperor to go in person and take a letter from the Government of China to yours, as an evidence of its desire to see a good accord reign perpetually between the two states. He has made known to the Emperor that he will take with him as his secretaries, Messieurs Rouxon and Imbert, both of whom are French subjects.

Such is the purpose of the present communication. I have addressed another to the Minister of Foreign

Foreign Affairs at France; and I beg Y.
E. to receive what I have now said with
due consideration.

True Translation

(Signed) Devéria

Dispatch 38
Inclosure D

Tungchi, 9th year, 10th moon, 2nd day.

October 25. 1870.

Prince Kung, chief Secretary of State for Foreign Affairs, herewith - makes a communication.

The various matters connected with and growing out of the Tientsin riot having now been brought to a close, the Foreign Office, still fearing that the - common people throughout the provinces cherish suspicions that might produce similar disturbances elsewhere, has given special care to the preparation of the draft of a general proclamation to be circulated among them. In it the reasons for the procedure at Tientsin are

fully

fully given that all may know them, and copies have been sent to the Governor-generals, Governors, and Commandants of the provinces, who are ordered to issue them to every local official under their jurisdiction. These are to post them in every city, village, market, and emporium, and take pains to have everybody know them, that all may take warning and not tread in the steps of the Tientsin people.

It is to be hoped that henceforth there will be a lasting accord between natives and foreigners, and the bonds of amity be greatly strengthened

I have now the honor to inclose a copy of the draft of this proclamation for your Excellency's information, and it has also been sent to the high authorities, the governor-generals, governors,

governors and commandants, in each pro-
vince.

To His Excellency J. J. Low,
United States' Minister.

Inclosure.

Draft of Proclamation.

A plain command for general information.

The riot at Tientsin was caused by the people of that city heedlessly giving credence to foolish rumors which aroused their suspicion and resentment, and led them on so far as to presume suddenly to kill many foreigners, burn and destroy the mission establishments, and, improving the opportunity, pillage and rob, the whole thing showing the most contemptuous disregard of law and order.

Tsăng.

Tsäng, the Governor-general of Chihli, has carefully inquired and learned that the stories about digging out eyes and cutting open hearts, were all empty gossip, without a shadow of evidence to support them. He therefore presently examined the men arrested for being connected with the riot, and found over forty of them to be guilty; of these twenty - Fung the Halter and others - have been executed; and twenty-five more, Wang the Little Awl and his accomplices, who seized the chance to rob and pillage money and valuables, have been banished ~~to different~~ places. The prefect and district-magistrate, for their remissness in managing this riot have been banished to the Amoor River, there to expiate their crime by hard

Labor

labor, as a warning to others. The amounts to be paid to the families of the sufferers, and indemnity for losses, have also been decided on, and thus by degrees the affair has been all settled.

Hereafter, let the gentry and literary men, the soldiers and common people throughout the provinces, as soon as they learn these facts, all take warning and not walk in such a path. But as it is really feared that their suspicions are not quite removed, and that other disturbances or resentments may arise, this explicit proclamation is issued for the guidance of people of every class, that they may everywhere know the truth. Since the treaties between China and foreign countries have been ratified, both

the

the propagation of religion and general traffic have been recognized in them. The object of the former is to exhort men to be good, and universal trade is for the advantage of both natives and foreigners. Our Sovereign looks upon them all with the same benevolence, and has no partialities in his regard, – he even would protect and favor first those from afar who dwell within his realm.

Let, therefore, those who hold office maintain the provisions of the treaties, and manage affairs that may arise with perfect equity. Let the people everywhere attend to their own callings, and whenever anything untoward happens between them and foreigners, let them make known their complaints to the local officers, and wait

until

until these in concert with the consular of-
ficers, can examine into and justly redress
their wrongs. Let them not take occasion
from such occurrences, to assemble in
crowds and cause riots and disorders.

Whoever presumes to set —
lightly by this Supreme Decree, and con-
temptuously disregard this royal order,
shall assuredly be dealt with in the
severest manner, which they can learn
as in a glass, by the treatment of the
magistrates and people of Tientsin. Let
every one heed this Proclamation with-
out the least disobedience. A special —
Notification —

Despatch 38
Inclosure F.

Legation of the United States
Peking October 31. 1870

To His Imperial Highness
Prince Kung

I have the honor to acknowledge the receipt of Your Imperial Highness' note of 25th instant in which you say that the various matters connected with and growing out of the Tientsin riots have been brought to a close; and that as a measure of precaution against a recurrence of similar disturbances a general proclamation concerning the rights of foreigners — Merchants and Missionaries — has been issued and sent to the high provincial officers, both civil and

military

military. These officers are commanded to communicate it to all the minor officials, and also cause it to be posted "in every "City, village, market-place and "emporium", to the end that "all "may take warning and not tread "in the steps of the Tientsin people"

I have carefully examined this document and it gives me pleasure to be able to express my satisfaction at the just sentiments expressed therein; and it is to be hoped that the people will be animated by the same spirit so that henceforth Merchants and Missionaries can pursue their several callings without hindrance or the fear of molestation

The French Government being more directly interested in this unhappy occurrence at Tientsin than any other, the purport of your note leads me to infer that the various questions arising out of it have been definitely settled and determined between Y. I. H. and the Representatives of France.

The French Chargé d affaires, however, in a circular issued on the 22 instant to his Consuls, of which he furnished me a copy, states that no definite conclusion had been reached;- hence I am led to conclude that further negociations took place between the issuance of his circular and the date of your note

I

I cordially reciprocate the sentiments of Y I M^y, when you say:- "It is to be hoped "that henceforth there will be a "lasting accord between natives "and foreigners and the bonds of "amity greatly strengthened"

I shall improve the earliest opportunity to transmit copies of your note and the proclamation to the President of the United States for his information

I have the honor to be
Your Imperial Highness'
Obedient Servant
Fredrick F. Low

Dispatch 38
Inclosure I

His Majesty the Emperor of China wishes His Majesty the Emperor of the French, health.

We, having been greatly honored by bearing the Decree of Heaven, and carefully receiving the vast patrimony it confers, regard all nations with friendliness, and desire to continually maintain amicable relations with them.

In June of the present year, lawless fellows at Tientsin having bewitched and kidnapped young children, the people there became excited, and rose in a riot. We straightway appointed Tsäng Kwoh-fan, the Governor-General of the province of Chihli, a Senior Guardian of the Heir Apparent, chief Scholar in the Imperial Library, entitled to wear a double-eyed peacock's plume, and ennobled as the Prudent and Brave Marquis, with his associates, to repair to Tientsin, and investigate and manage this affair with

impartial

impartial justice. A Decree was at the same time issued, requiring the high provincial authorities throughout the Empire to give the strictest injunctions to their subordinates everywhere to adopt measures to protect and defend foreigners.

After inquiry, Tsäng Kwoh-fan and his colleagues handed over the delinquent local authorities of Tientsin to the Board of Punishments to decide on their sentences; and when this Tribunal had in course condemned them to the legal punishment, its severity was increased, and the degraded prefect and district-magistrate, named Chang Kwang-tsau and Lin Kieh, were both additionally punished by banishment to the region of the Amoor River, there to remain till their crimes have been expiated. Thus they will serve as a warning to all.

The same high functionaries have likewise examined the criminals who raised the riot, and have fully ascertained their degrees of guilt. —

Twenty

Twenty have been condemned to capital execution, and twenty-five banished to serve in the army. A general Proclamation has also been issued to the officers throughout the provinces to command the people to create no more disturbances; and We earnestly hope that it will enable all French subjects hereafter to live in quiet.

The riot at Tientsin arose among the people themselves; for this Government and your honorable nation have for years lived in amicable relations, and there is not the least cause of difference between us. We have, therefore, appointed the high minister Chunghow, a Junior Guardian of the Heir Apparent and an officer entitled to wear a double-eyed peacock's plume, a Brigadier General of the Bordered Red Chinese Bannermen, a Junior Vice President of the Board of War, and Superintendent of Trade at the Three Northern Ports, to proceed to France to make known our

real

real feelings, and himself thus to be a proof of our earnest desire for peace and friendly relations. We know him to be a man of ability, skill, fidelity, and prudence; desirous to promote peace, and thoroughly conversant with the management of affairs between his own and foreign countries.

We therefore have every reason to hope that mutual confidence will be maintained between our countries, and result in the perpetual enjoyment of friendly feelings, so that both our nations shall enjoy full peace. This We think will also be a matter to you of the deepest joy and gratification.

Dated in the Reign Tungchi, 9th year 9th moon, 28th day. (October 22. 1870.)

Dispatch 38
Inclosure A

Note from the Members of Foreign Office.

July 25. 1870

We had just sent you a note to-day, appointing a time in which to make a visit to your Legation, when a letter was received from Chunghow at Tientsin, saying, in a few words, that M. de Rochechouart had given an ultimatum.

But as the Chargé d'Affaires wishes to have the Prefect and District Magistrate of Tientsin executed summarily, without undergoing any examination or trial, it is utterly out of the question to comply with his demand. This affair being so very imminent, and the results likely to prove so serious, we have copied the letter in full for your information, and the rest can be discussed at our

proposed

proposed interview.

In sending this we beg to wish you all happiness

Cards of Prince Kung,

Pao-yun,

and others

To His Excellency

Frederick F. Low,

U. S. Minister

Copy of a letter received at the Foreign Office from Chunghow, dated about July 23. 1870.

I have the honor to inform you that Admiral Dupré arrived yesterday about noon, and I went down to the foreign Settlement about 5 o'clock to visit him. He expressed himself in the same terms that Count de Rochechouart had done, and M. Devéria, the Interpreter told me, that if an answer was not sent to him by 4 o'clock to-morrow, acceding to their demand [about the local officials], they would immediately go to Peking, and bring away all the French subjects living there, with whom the Chargé d'Affaires would instantly go aboard ship for Shanghai.

The

The posture of affairs is really very serious and imminent. On returning to the residence of Tsăng Kwoh-fan, and telling him all the details of my interview, he was greatly disturbed, and was suddenly seized with a violent vomiting. This was six hours ago, and he still keeps his bed, unable to rise; his malady threatens to be a very serious, if not dangerous, attack, and his physicians say that his pulse indicates greater dis-turbance.

The affair is one of the most dif-ficult and delicate to manage, and with this alarming illness of the Governor-General, its conduct gives me intense anxiety, as matters are verging to a rupture. I send this off by a courier, and shall look for a quick reply.

D

Copy of the Draft of a Proclamation
Printed at the American Mission press, Peking.

照錄告示底

爲通行曉諭事、照得天津滋事一案、津民因輕信謠言、懷疑起衅、輒敢殺斃洋人多命、並焚毀教堂、乘機搶掠、實屬藐法妄爲、經直隸總督曾。查明剜眼剖心之說、全屬虛誣、毫無確據、即經查拿滋事兇犯、先後緝獲、審實四十餘名、所有殺人兇犯馮瘸子等二十名、立予處決、其乘機滋擾、搶取銀物之小錐王五等二十五名、亦經分別發遣、並將辦理不善之天津府縣、從重發往黑龍江效力贖罪、以示懲儆、所有撫卹賠償等事、現已商酌定議漸次完結、嗣後各直省地方紳士軍民人等、自當知所警戒、不致再蹈前轍、誠恐羣疑未釋、別啓衅端、爲此出示曉諭、仰各地方紳士軍民人等知悉、中外換約以來、通商傳教載在和約、傳教原係勸人爲善、通商亦屬中外各取其宜、

國家一視同仁、並無歧視、遠人在境、尤以保護爲先、在官必須遵守條約、遇事持平核辦、在民必須各安本分、遇有與外國人牴牾之處、亦應呈訴地方官、聽候會同外國職員、秉公辦理、不得藉端聚衆滋生事端、倘不欽遵

諭旨、藐視王章、定行從嚴懲辦、津郡官民、是其殷鑒、各宜凜遵毋違特示、

Private and confidential

DEPARTMENT RECEIVED JAN 26 1871 OF STATE

Rec'd Jan 25

Peking November 24 1870

Dear Sir

I am in receipt of your private and confidential note of 21st of September. For your approval of what I had seen proper to do under that time I thank you; and I trust that my action since may meet with similar favor.

Peking is so far from Washington that I am unfortunately situated than any of the representatives abroad; for changes occur so rapidly that I am obliged to depend upon my own judgment instead of asking and receiving instructions from the Department as I would be glad to do were it possible

Heretofore I have had occasion to criticise the action of my French Colleague, and, in a dispatch by this mail I have felt obliged, in justice to myself and my colleagues; as

well as to the Chinese Govt, to lay his erratic actions before you in plain and emphatic language

I have no desire to open a wide breach, or any breach at all, in our friendly relations, and shall endeavor, in the common interest, to avoid it; therefore I would not care to see this despatch printed while the present French Charge remains in Peking unless it should be called for imperatively.

If the present Government of France should promise any permanency, and our Minister in France should be able without incurring censure, ~~to be able~~ to draft a word of advice to the French Government, which would have the effect to replace the present Representative by a cooler, abler and more honest man, he would be doing a good work and one which would be greatly to the advantage of all nations having intercourse with China. The present Representative of France is a constant menace, and his power for evil is

only measured by his ability

If you will take the trouble to read my dispatch with the documents to which it refers you will, I think, be convinced that I am not over stating the case

The Chinese Envoy has started for France. I gave him a letter of introduction to Mr Washburn, requesting him to furnish ~~him~~ Chungkow with suitable letters of introduction to people in the United States in case he should return to China that way, which he has promised to do if his mission proves successful. I fear however that his mission will prove abortive. After witnessing so much double dealing and bad faith on the part of the French Representative here, I am quite prepared to see the same treatment meted out to the Chinese.

I have had a visit from Admiral Rodgers which seems eminently satisfactory. After a full explanation of the condition of affairs, he seems greatly surprised at the misrepresentations

and falsehoods which reach him at Shanghai, and which he naturally believed to be true - I am very glad of the opportunity of this personal interview and think there will be a complete accord between the Admiral & myself upon all matters which may come up for our action

Consul Genl Seward appeared desirous of relieving me of the duties connected with the trip to Corea, but as I had no authority to transfer the power given to me, and as such transfer would in no way be agreeable to the Admiral, I did not think proper to accede to his request and ask for new instructions to place the whole matter in the hands of the Consul Genl - He did not say he would not accompany me as you suggested but I doubt if he will find it convenient to go

Very respectfully
Your obt servant
F. F. Low

Hon Hamilton Fish

Mr Woodville
Mr Platt + Mr Wood

DEPARTMENT OF STATE RECEIVED JAN 1871

Ans[d] that act has been submitted to this Dept for approval which has been given dd Mar 11

No 29. One Enclosure

See Report of Mr Wood Consular Bu. Jan 10-71

Frederick F. Low

to

Department of State

Peking November 28. 1870

Makes a statement regarding a claim of J. P. Knight. Consul at Newchwang, for moneys expended in the case of one James Smith, and encloses letter from J Wells Williams concerning same subject

No 29 One Enclosure

Legation of the United States
Peking November 28. 1870

Sir:—

In 1866 an attack was made by the natives upon Francis P Knights Esq, then, as now, United States Consul at Newchwang. The turbulent disposition exhibited by the Chinese promised such serious consequences to all foreigners residing there, that Mr Knights felt obliged to call to his assistance many persons, and also

Hon Hamilton Fish
Secretary of State

also to ask assistance from our Naval forces on this station. Upon his request, made through the Chargé d'affaires, the U.S. S Wachusetts was sent to Nanchwang, by whose timely arrival and assistance the ruffains were arrested and punished by the local officials and quiet again restored

Full particulars of this unhappy affair will be found in Mr Williams despatches of May 21st and August 15th & 18th 1866, Numbers respectively 33 39 & 40

During the pendency of the troubles several persons whom

Mr

answer belay with the fees to see
that it is affirmed Mr. Rod

Memorandum concerning the case of James Smith at New Chwang.

1°. The facts of this case, as set forth in despatch No. 21, dated September 30. 1868, are as follows:-

On March 31. 1866 an affaret was made on the Consul at New Chwang by Chinese. In punishment of the chief offender his House was ordered to be demolished in presence of the Consul and his Countrymen. Among the latter was a seaman of the American vessel "Lizzie Boggs", named James Smith (a British subject). During the progress of the demolition one of Smith's fellow seamen, while assisting the native officials (unobserved by the Consul) accidentally discharged his rifle,

wounding

wounding Smith very severely in the hip, rendering an amputation necessary.

He remained with the Consul until Nov^r. 1866 when he was taken to HongKong and provided for at the ~~~~ expense of the Consul at New Chwang. After four months he was shipped to the United States at a cost of $100.

The account of Expenses incurred is as follows:-

For day and night watchers from April 1^st to July 1. 1866 and for Native asst. to Nov^r 15. —— $163.11

- Board at New Chwang - 7½ mos. at $35 pr. mo - —— — 262.50

- Do. in Chefoo, including passage to HongKong —— —— 66.—

- Do. at "Saloni Home", Hong Kong 108.—

- Passage from HongKong to New York

New York —— $100.—

" James. Watson, M.D. — 400.—

" Sundries, including clothes,

washing and petties —— 43.12.

Total (Mex" $ 1142.73

Dr. Watson's bill of $400 is represented as reasonable, and it is claimed that the other outlays were necessary.

As Smith was a British subject (though belonging to an American vessel) the Consul made an effort on Sept". 21. 1866 to have him transferred to the care of the British Consul, but without success.

He sought the advice of Mr. Burlingame at Pekin but received no distinct instructions.

2°. I find no correspondence on the subject from Pekin.

It is

It is understood in this Bureau that Mr. Geo. F. Seward, Consul General at Shanghai, approved of the payment of this account.

The account was sent to the Fifth Auditor on Feby. 18. 1870 with a letter stating that "If this "account is found by you to be "correct in matter and form the "amount found due to Mr. Knight "may be charged to the Appropriation "for the Relief of Seamen."

On Jan^{y} 6. 1871 — nearly a year since the transmission — the account is returned to this Department, with a request for its approval.

Resp^{y} submitted.

A. B. Wood.

1st Cons. Bureau.
January 10. 1871

Mr Knights had called to his aid were attacked and wounded by the natives. One of the number — James Smith — was seriously wounded and disabled for life This man being without means was kindly cared for, furnished with proper Medical assistance and nursed and, when able to travel, was sent to the United States by the Consul. Accounts for the expenses of doctors nurse, &c and the cost of his passage to the United States have been forwarded to the Department by Mr Knights. The disbursements were, in my opinion, necessary

on

on the score of equity as well as humanity; were honestly and properly made, and should be recognized as a proper charge against the Government.

As additional evidence of the justice of the claim and the necessity of the outlay, I beg to enclose a letter from Mr Williams who was Chargé d'affairs ad interim at the time the trouble occurred and is conversant with all the facts, in which he says the expenditure of Mr Knight was proper and that he should be reimbursed.

I am, Sir
Your obedient servant
Frederick F. Low

Despatch N° 39
Enclosure A

Peking. Novem 26. 1870

Hon. Frederick F. Low.

Dear Sir.

In relation to the man, named James Smith, of whom you inquire, I have no personal knowledge, but I am acquainted with all the circumstances under which he received the wound which disabled him, and made him a pensioner on charity. Even if it was inflicted thro' carelessness, it was done when he and others were engaged under Mr Knights orders in defending the lives of himself and other foreigners at Niuchwang, and punishing those miscreants who had so wantonly attacked them. He was thus thrown upon the charity of the U. S. Consul, and would have died if his care and benevolence had not been exerted in taking personal oversight of the

crippled

crippled man during many months, while his cure was slowly accomplished. The case is one that pleads its own cause by the strongest arguments of humanity, and the claim of Mr Knight to be reimbursed for his outlay upon James Smith's cure, and for sending him back to the United States, appears to me to be a just one, and come within the provisions of the law. It seems to me that whoever reads the reports of Mr Knight upon the murderous attack made by the swordracks in 1866, will agree that it was greatly owing to his energetic course at the time, that the lives of all American and other foreigners were not placed in peril; and consider that the expenses incurred from this casualty are properly chargeable to the American Government. I hope he will be repaid.

Respectfully Yours
S. Wells Williams

Mr Pratt
Peking November 28. 1870

Hon Hamilton Fish
Secretary of State
Washington

Inform him these
have been sent

Send him
Consular Regulations
if not already sent
Parsons on Maritime Law
&
Parsons on Mercantile Law
Bishop on Criminal Law

Dear Sir

I have felt the great need of additional law books in the library of this Legation, and particularly the published opinions of the attorneys Genl of the United States. Treasury Regulations form so large a part of our Commercial law, and these regulations being based, generally, upon the constructions of the attorney Genl given to general Statutes, renders the opinions referred to almost indispensable in a library where the Minister is Judge, attorney and diplomatic representative, as is the case in China. In view of these

considerations I have to request that you will order to be sent to this Legation

1 full sett of the Opinions of the Atty Gen
Abbott on Shipping
Parsons on Maritime Law
Parsons on Mercantile law

and any other publications which you may deem necessary.

With these I would ask that the following named stationary may be sent

1 5 Reams unruled note paper
3 " " Letter paper (like this)
5 Gross Eastabrook & Co Commt pens No 9
1 flat & one round ruler
1 pair office shears
2 or 3 good Inkstands
1 doz large bottles Black ink
1 " bottles Mucilage

There is in the library an extra sett of the U S Statutes complete

from 1 to 14 inclusive, which may be sent to Tientsin when that Consulate is "re-constructed," which I hope will be done at the approaching session of Congress.

Very respectfully
Your obedient servant
F. F. Low

Stationery furnished
March. 14, 1871
H. McGraw
except Ink & Mucilage

Department of State

Washington, Mch. 14, 1871

Furnished for use of Minister to China.

5 Reams plain note paper
3 " " letter "
5 Boxes pens
2 Glass inkstands
2 Rubber Rulers
1 office shears

Furnished for use of Minister to Japan.

5 Reams desp. paper

H. McGrew

End No

DEPARTMENT OF STATE
RECEIVED
FEB
24
1871

No 40. 4 Enclosures

ack'd 2d March 1871.

Fredrick F. Low

to

Department of State

Peking December 5 1870

Giving his views on the missionary question in China; enclosing copy of the French Treaty concerning missionary privileges, and translation of Chinese text of same; also correspondence with Consuls in which rights of missionaries are defined, and asking approval of his views and opinions

No 40 Four Enclosures

Legation of the United States
Peking December 5th 1870

Sir:-

In my opinion one
of the great underlying causes
of the unrest of the Chinese, which
exhibits itself in hostility towards
foreigners is to be found in the
unwise action and illegal assumptions
of the Roman Catholic Missionaries;
which assumptions have, to a
great extent, the countenance
and support of the French Government

To

Hon Hamilton Fish
Secretary of State

To explain my views concerning the whole missionary question in China is the object of this dispatch; and in order that the whole subject may be presented in as clear a light as possible it will be necessary to give some historical details of the various treaties entered into between China and Foreign Nations

In 1858 Russia, the United States, Great Britain and France concluded treaties with this Empire at Tientsin. They were signed in the order in which the countries are named above. Each treaty contained

contained a separate Article
providing for the toleration
of the Christian Religion; but,
with the exception of an
additional clause in the
Russian and French treaties
which permitted Missionaries
to travel with passports in
the interior, all other privileges
were restricted to the open ports,
where they were placed on an
equality with merchants:
and allowed to purchase land
erect churches & School houses,
establish cemeteries &c. For
an elaborate and able review
of the whole question I beg
to refer you to the despatches
of

of Mr Reed under dates of June 20th and July 29th 1868. In the enclosures of these two despatches copies of all the treaties referred to may also be found

A dispute arose in 1859 between the British and French Ministers and the Chinese authorities with reference to the route the Ministers should take to reach Peking which resulted in hostilities, and finally ended in the occupation of Peking by the British and French forces in 1860; where Supplemental Conventions were signed by the Ministers before referred to and

Printed

Prince Kung. In the
British Supplemental Convention
nothing was inserted except
a provision for an increase
of indemnity to cover the
expenses of the war, and the
opening of the Port of Tientsin
to trade. The same stipulations
were inserted in the French
Convention, and an additional
one concerning missionaries,
which is contained in Article
VI. Soon after the
ratification of all the treaties,
copies of the Chinese text of
the French treaty of 1860 were
obtained, translated and published.
This was the only version
of

of Mr Reed under dates of June 20th and July 29th 1858. In the enclosures of these two despatches copies of all the treaties referred to may also be found

A dispute arose in 1859 between the British and French Ministers and the Chinese authorities with reference to the route the Ministers should take to reach Peking which resulted in hostilities, and finally ended in the occupation of Peking by the British and French forces in 1860; where supplemental conventions were signed by the Ministers before referred to and

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"In 1860 . . supplemental
conventions were signed . . .
In the British &c

VI. Soon after the
ratification of all the treaties,
copies of the Chinese text of
the French treaty of 1860 were
obtained, translated and published.
This was the only version
of

of that particular treaty is obtainable. For reasons which no one could then understand, but which are now apparent, no copies of the French text could be had, and all attempts by the other Legations to obtain them in Peking have proved unavailing until within a few weeks. It is believed that the British Government obtained copies at the time, or through the French Government in Paris, but if so none were sent to the Legation in Peking, or if sent were accompanied with instructions of a confidential character

The

The Chinese treaty clearly conceded the right of the Missionaries to reside in all the Provinces, to acquire land, build churches schools &c, and to propagate their doctrines without let or hindrance. The Roman Catholic clergy, with the aid and protection of the French Government, have spread their Missions in all parts of the Empire, so that at the present moment there 20 Bishoprics in China proper, one in Mongolia, one in Manchuria, one in Corea and one in Thibet

Attached to these various missions are about five hundred priests

The

The missionaries of this Religious Faith have, in addition to the right of residence as Bishops and Priests, assumed to occupy a semi-official position which places them on an equality with the native officers where they reside. They also claimed the right to protect the native Christians from persecution, which practically constituted the missionaries the arbiters of their disputes and the judges of their wrongful acts, and removed this class from the control of their native rulers. The absolute rights of the Roman Catholic Clergy

to

to exercise, in the name and by the authority of the French Government, a protectorate over native christians was claimed as warranted by Article VI of the French treaty before referred to, and insisted upon by some of the earlier representatives of France in China. This assumption the British Government most emphatically denied, and, during the discussion of the subject, Prince Kung and his associates clearly informed the Representative of France that, rather than yield to this demand they would accept a declaration of war instead.

instead, even though the issue
of the war might involve the
downfal of the Dynasty.
This is believed by those who
were here at the time and best
able to judge, that the timely
arrival of M. Berthemy prevented
hostilities between France and
China growing out of this
question. He promptly withdrew
the demand and, in unmistakable
terms, informed the Missionaries
that their assumptions were
not warranted either by treaty
right or good policy. But
notwithstanding this action
of the French Minister it is
asserted by the Chinese, with

strong

strong probability of its truth,
that the Missionaries still claim
this right, and exercise it in
whenever local officials are
found that can be frightened
or coaxed into compliance
This they can do with impunity
where there are no Consuls;
and even when there are
diplomatic & Consular offices
it is seldom the case that the
united power of the Clergy
fails to silence opposition;
and they are left untrammelled
to gain all the power possible
on the principle that, "the end
"justifies the means".

In making these observations

I

I do not wish to be understood as impugning the motives which actuate the Catholic missionaries. They have undoubtedly been placed in positions to see and understand the persecutions to which native Christians are subjected for opinions' sake, and it is altogether likely the missionaries honestly believe that in no other way can an effectual remedy be applied. Many of our Protestant Missionaries take the same views, and are anxious that a stipulation shall be inserted in treaties placing native Christians under

the

the protection of the Consular
Courts. I have reason to
believe that missionaries of
all denominations are looking
forward to the revision of the
French treaty in 1871 hoping,
and perhaps expecting, that
this right will then be
secured for Native christians

The French missionaries
having exercised the right to reside,
purchase land, erect churches
establish cemeteries &c anywhere
in the country, the American
and English Missionaries of
the Protestant faith claimed
equal rights and privileges
with the Catholics; although

the

the claims of the Protestants scarcely assumed a practical form until within a few years by reason of their numbers being insufficient to justify the extension of their labors beyond the treaty ports. The question as to their right of residence has often been raised and referred to the Ministers for his decision; and the uniform opinion of my predecessors has been that, conceding the Chinese text of the French treaty to be correct and authoritative, the stipulation contained in Article VI was only designed to provide for

the

the restitution of the property which had been formerly owned and occupied by Christians, of which they had been deprived by persecutions and confiscations in former years, and that a fair construction of the Article in question in the light of previous history and surrounding circumstances, would not permit the permanent residence of Missionaries in the interior beyond re-occupying the places from which they had been driven

In reply to similar demands made by the English Missionaries they were informed by their Government that their rights

of

of residence away from the open ports must be sought for in treaties other than the English, and that as it was optional with any Government to avail itself or not of the "favored nation clause", it had been decided that no further claims would be made for the Missionaries than is conceded to merchants; hence no governmental protection would be extended to either merchants or missionaries beyond the immediate vicinity of the open ports

"Within two or three years large additions have been made

made to the number of the American missionaries with a view of extending their field of operations and sphere of usefulness to points in the interim. / Notwithstanding the decision of the Ministers regarding their treaty rights stations have already been established at Kalgan and some other points in this part of the country without serious opposition and with promise of good results, which stimulates exertions for further extension. (In view of the increasing activity of the missionaries it appears to me desirable that

that their legal status should be better defined and their rights fixed upon a more satisfactory basis than the restrictive construction given to the French treaty by my predecessors, for the Missionaries, as a rule, decline to accept this as the proper construction of their treaty rights, and the result has been, dissatisfaction at the course of the diplomatic representative and grave complaints at the lack of protection afforded them by their Government

In the III Article of the French treaty of 1858 it is provided that

that when any discrepancy
shall be found between the
French and Chinese texts the
original (French) shall govern
in defining the proper meaning
and intent. In view of this
it seemed desirable, if not
indispensable, that a copy of
the French texts should be
obtained in order that the
rights of our missionaries
might be clearly understood.
My application to the French
Chargé d'affaires for permission
to examine the official copy
of the Supplementary treaty of
1860 was granted, and I
have the honor to send
herewith

herewith an exact copy of the French text of Article VI. and a careful translation in English of the Chinese text of the same. (enclosure A.B.)

Your particular attention is requested to these two documents.

From rumors which had come to me from Chinese and other sources I expected to find a discrepancy which might vary the meaning somewhat, but I was not prepared to find so wide a difference as to preclude the possibility of its having occurred by accident or unintentional

unintentional error. If
the French text be considered
authentative, of which there
can be no doubt, it follows
that there is no authority in
the treaty for residence in the
interior; unless the provision
for the restitution of the property
of Christians indirectly confers
the right of occupancy by
its owners. With this version
of the treaty before me, there
can be no doubt what the
decision must be with
reference to the questions which
have arisen heretofore and
which will come up again;
and although I shall frankly
state

state to the Missionaries the facts, and give them, without reserve, my opinions with respect to their legal status, I do not consider it wise to give undue publicity to this remarkable discrepancy in the treaties at the present moment, nor shall I refer to it in any communication to the Chinese Government. Missionaries will continue to go into the interior wherever they can gain a safe footing, and I have no disposition to embarrass or hinder them. On the contrary I shall be glad

to

to afford them all the moral aid and support possible wherever and whenever they can gain the goodwill of the people. But while doing this it is right and proper that they shall understand distinctly the limit of their legal rights, beyond which their safety must depend upon the good faith and friendship of the Chinese among whom they live. / Nor do I think the cause they are laboring to promote will lose anything by the practice of patience, conciliation and forbearance, which

which this knowledge will
be likely to produce on the
part of the missionaries.
In further explanation of
my views upon the right of
residence and control over
native Christians I beg to
refer you to an extract
from a despatch to the
U S Consul at Foochow
(enclosure C) I also
enclose copy of my despatch
to the U S Vice Consul at
Tientsin (enclosure D) in
which he is instructed in
regard to making claims
for property of Chinese Christians
destroyed by the mob at Tientsin

I

I submit these two despatches to you and ask, most respectfully, for the opinion of the Department upon the points discussed therein

The system of extraterritoriality provided for in the treaties of all Western Nations with China seems, under existing circumstances, to be necessary for the protection of foreigners residing in China. It is however such an anomaly in international intercourse, and so difficult to carry out honestly and in good faith, that its extension must, sooner or later, end in the overthrow

orentheirs of the Government
within whose jurisdiction
it is exercised. This the
officials begin to see and
realize, which makes them
disinclined to take any step
which will be likely to
increase the difficulty and
embarassment of their position;
and any attempt to secure
the rights which the Mission-
aries desire touching native
christians will be resisted.
Nor do I think it wise
for foreign nations to ask, or
even accept it if offered.
It is wrong in principle
and would be a constant
source

source of irritation and trouble
if attempted to be put into
practical operation. Any
extention of extraterritoriality would
lessen the dignity and influence
of the native officials, —
It is this consideration which
makes them reluctant
to see Foreign influence extended,
and is the great obstacle
in the way of procuring
concessions, which if granted,
would undoubtedly prove a
great blessing to both Government
and peoples. Prince Kung
in a dispatch to one of my
predecessors states his views
of the case so well that I

quote

quote an extract from it.
He says: "But in the conduct
"of affairs it behooves every
"country carefully to watch the
"times and the tendencies, that
"its own power suffer no
"detriment, neither in the
"prerogatives of the Throne nor
"in the control exerted over the
"people. If these conditions
"can be maintained improvements
"can be adopted This principle
"is applicable to all countries
"as well as the Middle Kingdom"

Any extension of the rights
and privileges of foreigners
undoubtedly extends their influence,
and as a consequence lessens
the

the power and influence of the
Chinese officials; although it
is likely that their ignorance
and conservatism induce them
to largely overestimate the
dangers that lie in their path.
Their education and habits of
thought totally unfits this people
for appreciating in any proper
sense the Christian Missionaries
or their work. It is impossible
for them to conceive that the
Missionaries are isolating
themselves among a strange people
for the single purpose of teaching
Morality, with a view of improving
the mental and spiritual condition
of the human race. An ill defined
suspicion

suspicion pervades the native mind that some political design lies beneath the honest exterior of the Missionaries, and they are constantly watching with a suspicious eye for the hidden mystery which they can neither see nor understand. I regret to be compelled to say that the unwise action of the French Missionaries, - to say nothing of the French Government - has rather added to than lessened these suspicions

If the Officials could be undeceived in regard to the real purposes of the Missionaries, and if the Missions in China could

could be conducted by really
honest and sagacious men
I doubt if anything more
than a passive resistance
would be met with, which
would soon be overcome by
friendly intercourse and mutual
forbearance. But so long
as the Roman Catholic Missionaries,
blinded by religious zeal, and
forgetful of the ignorance and
prejudices of this people, continue
the illegal and unwarrantable
assumptions which have
characterized their course
hitherto, so long may we
expect to hear of the hostile
attitude of the people towards

them

theirs, which will occasionally take the form of insurrections riots and bloodshed, the destruction of Missionary establishments and the ill treatment of native christians, - in which Protestants will be likely to suffer also; and when these unhappy results occur, the moral sentiments of the civilized world will be shocked at the intelligence of "religious persecutions", perpetrated by the Chinese without cause, provocation or excuse, deserving punishment and dire retribution

I have the honor to be

Sir

Your obedient servant

Frederick F. Low

Despatch No 40
Enclosure A

Copy of the French text of Art. VI.
of the Convention of Oct. 25. 1860.

Art. VI.— Conformément à l'edit im-
périal rendu le 20 Mars 1846, par l'auguste
Empereur Tao-kouang, les établissements
religieux, et de bienfaisance qui ont été
confisqués aux chrétiens, pendant les
persécutions dont ils ont été les victimes,
seront rendus à leurs propriétaires par
l'entremise de son Excellence le Ministre
de France en Chine, auquel le Gouverne-
ment impérial les fera délivrer avec
les cimetières et les autres édifices
qui en dépendaient.

Despatch No 40
Enclosure B

Translation of the Chinese text of Art. VI. of the Convention of October 25. 1860

Art. VI. – It shall be promulgated throughout the length and breadth of the land, in the terms of the Imperial Edict of the 20th February 1846, that it is permitted to all people in all parts of China to propagate and practise the "teachings of the Lord of Heaven," to meet together for the preaching of the doctrine, to build churches and to worship; further, all such as indiscriminately arrest [Christians] shall be duly punished; and such churches, schools, cemeteries, lands, and buildings as were owned on former occasions by persecuted Christians shall be paid for, and the money handed to

the

the French Representative at Peking, for transmission to the Christians in the localities concerned. It is, in addition, permitted to French Missionaries to rent and purchase land in all the provinces, and to erect buildings thereon at pleasure.

Mr Davis

Despatch No 40
Enclosure C

Legation of the U States
Peking November 2. 1870

Sir: × × × × × × × × × ×
× × × ×.

The question, whether
by virtue of existing treaties
Missionaries have the right of
permanent residence in any
place outside of the Treaty ports,
has been much debated; but,
after its full examination I
concur in the opinion of all
of my predecessors, that they
have not this right, and that
no fair construction of the treaties
gives it. The same conclusion
has been come to by the British

Mr W. DeLand Esq
U S Consul
Foochow

Government

Government; but while I say this to you, it is necessary to add for your information and that of the Missionaries, that this admission has never, so far as I can learn, been made to the Chinese Government by either the Representatives of Great Britain or the United States

It must be remembered that the articles on the toleration of the Christian Religion were obtained under pressure of a powerful armament threatening the Capital; and that their chief object was to procure a recog-nition of the nature and existence of Christianity. If the Chinese Plenipotentiaries had very slight

Knowledge

knowledge of its nature, the
people at large were totally
ignorant of it. Many of
them are likely to wish it with
all their might on learning its
precepts which can admit of
no compromise with their cher-
-ished practices; and those
who disseminate these doctrines
will soon admit, that while
it is comparatively easy to insert
a stipulation in a treaty, it
is difficult and a slow work
to educate a people up to its
requirements. In doing this
our countrymen will no doubt
often have occasion to bring
into practice the precepts con-
-tained in the Articles they claim

as

as giving them the right to propagate the Christian faith.

I think it may be safely said, that in no case would the Government of the United States resort to force to carry out any other construction of our treaty rights than the one I have indicated, and that, consequently, all that its representatives in China have to depend on is moral suasion and a conviction that the truth will prevail. Nor would those zealous men and women who are spending their lives in diffusing this truth wish to employ force to help them in their philanthropic work.

They

They can only expect, when their labors are thwarted and resisted to try the power of fair representation of the case to the native rulers, with an appeal to their sense of justice and responsibility to maintain the peace within their limits, and challenge their opponents to show when and where the converts and preachers have done wrong. This course has already in other places disarmed much of the opposition excited by the progress of Christianity, and it is in reality, I believe, the only way that you and I, as officers of the United States in China can

can (to quote your expression) "enforce this treaty right". The right will only be effectually obtained, I admit, when the Missionaries are able to reside everywhere among their converts with the good will of the people; but long before that day comes in this Empire, I hope that a clear recognition of their right to do so may be obtained from the Imperial Government.

The tenor of the proclamation lately issued in relation to the Tientsin tragedy is favorable to this end, and I shall await with interest to hear from you what effect its promulgation has had in

Foochow

Foochow and other parts of
the province. One effect
of that riot and the subsequent
discussion is to draw public
attention throughout the Empire
to the nature of Christianity,
and show to all the Emperors
subjects his entire assent to
the propagation of its tenets.
This assent has been given
without the exercise of any
pressure or threat of foreign
force upon this Government,
simply by urging it to do its
duty in punishing the malefactors
and instigators of the massacre,
both for its own safety and
dignity, the security of life
and property of all living

in

in its borders, and the full satisfaction of foreign governments that it could, and would restrain and punish such proceedings. I cannot say how far these ends will be accomplished by what has been done; but nothing has occurred yet in China which has brought the Central Government to so thorough a discussion of the whole question, while a sense of the danger of delay stimulated the high officers to vindicate the laws and assert their power. The warning conveyed in this whole affair, that seditious, designing officials and unscrupulous

unscrupulous literati, whose hatred against foreigners may lead them to riotous acts, cannot be allowed to go to all lengths, will not be wholly lost upon the Peking Cabinet. Yet its position between two such conflicting principles and parties, is one of the most difficult and delicate held by any set of rulers, and entitles them to much consideration

For the present I would recommend great caution on the part of the Missionaries. They should impress upon their converts and native friends that foreign nations do not intend

to

to become their protectors, or protect against the acts of their own rulers otherwise than by truthful and firm representations of their wrongs, and requests for redress on grounds of law and humanity But you should, at the same time, on all suitable occasions, respectfully and firmly insist upon the rights of Missionaries to travel, with passports, where they please in the proper pursuit of their calling

I am &c

(Sgd) Frederick F Low

Despatch № 40
Enclosure D

Legation of the United States
Peking November 23. 1870

Sir:-

I beg to acknowledge the receipt of your № 21 of the 18th inst by which I am informed that the local authorities at Tientsin had paid to you, for account of the North China Branch of the American Board of Foreign Missions, Tientsin taels 4499 69/100. in settlement of the claim for loses and damage to the Mission property by the mob on the 21st June, and that you had deposited the amount with Mssrs Russell & Co to the credit of the Society. You also inform John A. T. Meadows Esq

U S Vice Consul
Tientsin

me that the Revd Mr Stanley had requested you to present a further claim for loses suffered by the native assistants of his mission, and ask instructions as to your duty.

The presentation and settlement of the claims sent you and the disposition of the funds and duties correctly performed which meet my cordial approbation. In regard to the additional claims which Mr Stanley refers I have to say that it was distinctly understood by the officers of the Mission in Peking prior to sending you any claims, that while I would, on all suitable occasions, advise the Chinese authorities respecting their moral and

and equitable duty to native Christians who had suffered loss by the riot, or had been persecuted on account of their religious faith, and would counsel the payment of a proper recompense to those that suffered either in person or property, neither I as Minister nor you as Vice Consul of the United States, could present any claim for such loss or demand payment.

In view of this you are authorized and instructed to use your good offices in such manner as you may deem proper, in the direction indicated. But while you will counsel the local officials in

in regard to this matter, and
point out the equity and
justice of recompensing these
people, you will be careful
to disclaim any intention of
making a claim for losses
sustained by Chinese subjects
in your capacity as Vice
Consul of the United States

I am &c

(Sgd) Frederick F Low

Edgerton

Ord'g Navy sequence to relieve Terry

Mr Pratt

DEPARTMENT RECEIVED FEB 24 1871 OF STATE

No 41. Two Enclosures.

Frederick F. Low

to

Department of State

Peking December 10. 1870

Enclosing correspondence between himself and Admiral Rodgers with reference to keeping the U.S. Steamer "Ashuelot" at Tientsin during the winter.

No 41 Two Enclosures

Legation of the United States

Peking December 10th 1870

Sir:-

There are now at Tientsin One English and three French gun-boats and the U.S.S. "Ashuelot". These vessels are now frozen in the Peiho river and will, of course, remain there until Spring. A Russian gun-boat was expected also, but she did not arrive in season.

As stated in my despatch to Admiral Rodgers I had no well grounded apprehensions of trouble occurring which would require the "Ashuelot" to remain

Hon Hamilton Fish &c

Secretary of State

at Tientsin for protection simply;
at the same time it seems to me
wise, for the moral effect it will
work, to have as many nationalities
represented there as possible during
the Winter

As my opinions probably had
some weight in deciding to let
the Ashuelot remain, I beg to
enclose copies of the Correspondence
that passed between the Admiral
and myself, with reference to this
subject, and to assume whatever
measure of responsibility for it
that my advice may have occasioned

I have the honor to be
Sir,
Your obedient servant
Frederick F Low

U S S Colorado

Woosung (China) Oct 3. 1870

Sir

The "Ashuelot" now at Tientsin, and the "Monocacy" now in Japan, "double Enders", are the only vessels in my command which can go up to Tientsin They are both in great need of repairs, and I am directed by the Navy Department to undertake these repairs should the vessels be worth the expense involved

The "Ashuelot" is the longest ship — being 265 feet long — while the river in the vicinity of Tientsin is but 200 feet wide — which has ever been

H E F F Low

Minister of the U.S.

up the Peiho river, and it is believed by her Commander that it will be impossible to place her in a Mud dock in the river bank so as to protect her from ice during the Winter as is commonly done with Vessels at that Port. She, however, thinks that he can secure timber fenders around her to make her safe from floating ice.

Under the circumstances I am embarrassed as to leaving her at Tientsin to be frozen in for the Winter, and unless it were to afford a place of refuge for the officers of the Legation in the event of

trouble

troubles at Pekin, I should
hesitate to do so

May I request you, therefore
to favor me with such parts
of your intentions as to your
residence for the coming winter
as may aid me in coming
to a conclusion on this matter
— whether it is your intention
to remain all the winter at
Pekin or whether we may hope
to see you further south

Under the dates of 15th
and 16th of September I had
the honor of addressing a des-
patch and letter to you, which
I trust have been duly received;
and as this matter of Pekin
a visit at Tientsin during

the approaching winter was
there mentioned, the lateness
of the season must be my
excuse for again referring
to it, and for desiring as
early a reply as it may
be your pleasure to give me

I have the honor &c

(Sgd) John Rodgers
Rear Admiral &c

Legation of the United States
Peking October 15 1870

Admiral

I have the honor to acknowledge the receipt of your dispatch under date of the 8th instant giving your reasons against detaining the "Ashuelot" at Tientsin during the Winter until her presence there should be deemed necessary as a place of refuge for the Legation in case of trouble at Peking.

In my dispatch of 27th September you were informed that I could not then give a definite opinion upon the

Rear Admiral
John Rodgers
Comdg Asiatic Fleet

subject

subject herein referred to, but
hope to see the way clearer
so as to express a decided
opinion soon. At that time
nothing had been done towards
punishing the guilty at Tientsin;
and it depended very much
upon the action of the Chinese
Government in this particular
whether the most virulent spirit
of the natives would be quelled,
and, as a consequence, the
safety of foreigners assured
in Tientsin and Peking.

Since then two Imperial
Decrees have been promulgated
in which the conviction and
sentence of the Board of
Punishments of the two local
officials

officials and forty five others are appointed and ordered to be carried into effect. Twenty are sentenced to be executed, and twenty five others, with the two local Mandarins, are ordered to be banished.

Without expressing any opinion as to the adequacy of the punishments as compared with the crime, or the apparent want of good faith of the Gov-
-ernment in the great delay that has occurred, I am persuaded that the punishments decided and the other measures adopted by the Government will have such a salutary effect upon the Chinese that,

with

with ordinary precautions, the
lives and property of all for-
-eigners will be reasonably
safe during the Winter. In
view of this state of facts
I have little fear of trouble
in Pekin, which would re-
-quire you to keep a vessel
at Tientsin as a possible
place of refuge for this Legation
There will be, I learn,
two British and three French
gun-boats wintered at Tientsin
which will be ample for
all purposes of protection.
The ice-pack, and almost the
only, reason for your keeping
a vessel there would be to
exhibit as solid a front
as

as possible to the Chinese,
and let them know by our
action that injury to one is
considered danger to all the
Treaty Powers. In this view
I would be glad to see a vessel
left there, did the composition
of your Fleet and the conditions
of the vessels permit it.

With reference to my
intentions about residence
the coming winter I would
say that, having taken into
consideration all the surround-
-ing circumstances, I have
concluded to remain in Peking.

My original intentions and
verbal instructions contemplated
a visit to the Ports during
the

the Writer, and were the Country
in its normal peaceful
conditions I should be glad
to do so. But as my ab-
sence from Peking at this
particular time might lead
to possible misconception by
both Natives and foreigners
I conceive it to be my duty
to remain here unless a
change in the conditions of
affairs should unhappily occur
between now and the closing
of the waters approaches to the
Capital

I have the honour
(Sgd) Frederick F Low

Mr Pratt

No 42

DEPARTMENT OF STATE
RECEIVED
FEB
1871

Frederick F. Low

to

Department of State

Peking December 12 1870

Gives some particulars in regard to the visit of the late Secretary of State, Mr Seward, to Peking and his reception by the Chinese officials

No 42

Legation of the United States
Peking December 12th 1870

Sir:-

The visit of the late Secretary of State to this Capital, and his reception by the high officials, has assumed a certain degree of political importance by the remarks made upon it in the papers, and leads me to furnish you with the details

On the evening of Mr Seward's arrival a note was sent

Hon Hamilton Fish
Secretary of State

sent to Prince Kung informing him of the Lady having come to the American Legation; and that if he would fix a day, I would be happy to accompany Mr Seward, Admiral Rodgers and Consul-General Seward to the Foreign Office to pay him and the other members our respects. The Prince's reply came on the third day — appointing Monday the 4th day of November for the interview.

In my note I stated that Mr Seward when Secretary of State had negociated the recent treaty with Mr Burlingame and his associates as Ministers from

from China, and the Prince
alluded to this in his reply
as having already made him
acquainted with his name
and position

Capt Nichols, Lieut Commander
Wheeler, Surgeon Cassin, and
Admiral Rodgers Secretary
accompanied the Admiral as
his suite. Mr Keim, Treasury
Agent for the examination of
Consulates, being here at the
time, joined the party. Just
as the Cortège was leaving the
Legation a messenger came
running in to inform us that
Prince King had been taken
ill that morning and would

not

not be able to go to the yamun, much to his regret. On reaching it we were informed by the officials that the Prince had been taken with a chill and spasms while in court that morning, and was obliged to return home. They were all much gratified at making Mr. Seward's acquaintance; and asked him how long he intended to remain in the City, as the Prince would be desirous to return his visits. The officials, four in number, had put on their court dress in part, and prepared a collation for the occasion, so that nothing was

was wanting that is usual on such occasions

A few days after, Mr Seward wrote a note to Wanxiang, who has been ill and in retirement for over a year, and whose continued feeble health had prevented him from resuming his duties since his return from Manchuria, proposing to pay him a visit at his house. In this reply Wanxiang declined the visit and said an early day to come to the Legation to meet a statesman of whose fame he said he had long heard, for he regretted that he had been

been unable to meet him
at the agency. This
interview was the first he
had been able to make since
coming back, and he feared
that his weakness would
compel him to ask for a
longer leave. His feeble
health was clearly
apparent, and I fear very
much that he never will
be able to resume active duties
again. Several subjects were
brought up and especially
the desirableness of sending
Consuls to other Countries, who
could there look after the
interests of Chinese emigrants,
and

and represent their conditions
and wishes to the Government
at Peking He said that the
Emperor had this in view, and
the only difficulty in the way
had been the want of men
properly qualified to perform
Consular and diplomatic duties;
but they were taking measures
to educate youths to act as
interpreters, and hoped soon to
have men ready. They had
sent one embassy abroad, whose
chief was a foreigner in order
to prove to the Treaty Powers their
friendly feelings and represent
to them the progress it was
possible in their view to make;
but

but they did not intend to send another until fully gratified natives could take charge of it.

On Mr Seward's return from a trip to the Great Wall, Prince Kung sent him a note appointing the 18th of November to return his visit, and came with four of the leading members of the Foreign Office to the Legations. The visit was a formal one so far that no serious point was brought forward for discussion; but many topics of interest were introduced during the hour the Company remained

remained; and the Chinese all placed their names in an albums, with an appropriate sentiments added to each, for Mr Seward to retain.

Mr Seward was received by the Prince and his associates with as much respect and attention as has been shown to any foreign visitor since the Legations have been established at Peking; and so far as I could judge, with more interest than they usually exhibit toward foreigners, for they probably knew more of the late Secretary than of most foreign statesmen

As

As a mark of further regard
a present of enamel ware,
(cloisonée) porcelains, silks,
and carved lackerware, was
sent to him the next day, with
the compliments of every member
of the Foreign Office, Prince
Kung and Wansiang included

I have the honor to be
Sir,
Your obedient Servant
Frederick F. Low

Filed

Appointed Mr. Pratt

dis'd 11 March

DEPARTMENT RECEIVED FEB 24 1871 STATE

No 43 One Enclosure

Frederick F. Low

to

Department of State

Peking December 15 1870

Informing the Department of the adjustment of the claim of the Protestant Missionaries for loses sustained by the riot at Tientsin, and enclosing a letter from the Yien Council upon the same subject.

FOREIGN Relations '71

No 43 One Enclosure

Legation of the United States
Peking December 15th 1870

Sir:-

I have the honor to inform you that a careful estimate of the loss and damage sustained by the North China Branch of the American Board of Foreign Missions by the action of the mob at Tientsin on the 21st of June last fixed the amount at 47 85 19/100 Tientsin taels (about $6700)

Hon Hamilton Fish The Secretary of State

The property destroyed consisted of one Chapel building with rooms adjoining suitable for a residence, the property of the Society, and another small Chapel in another part of the City which was rented of the Chinese. The damage to the latter was estimated at 285 $\frac{50}{100}$ taels

The Vice Consul at Tientsin, by my authority and direction, presented the claims to the local authorities, and a settlement was made by their agreeing to rebuild the rented premises in a manner satisfactory to the owners,

and

and the payment in money of the claim for damages to the larger Chapel. This has all been done to my entire satisfaction. For more full particulars in regard to the adjustment of the claims, and the disposition of the funds I beg to refer you to the Vice Consul's despatch to me, a copy of which accompanies this (enclosure A)

With reference to the additional claims mentioned by Mr Meadows in his despatch, which is preferred by the Revd Mr Stanley for losses

losses and damage sustained
by native Christians, and
my decision upon this as
well as upon all claims
of a similar character, I
have, most respectfully, to
refer you to my dispatch
to the Vice Consul, a copy
of which forms enclosure
D in my dispatch No 40
of December 5th to the Department

The settlement
of this matter adjusts all
legal and proper claims
for loss or damages sustained
by citizens of the United
States in consequence of
the riot at Tientsin, &c

far

far as I am at present informed

Trusting that my action in the premises will receive the approval of the President,

I have the honor to be

Sir,

Your obedient servant

Frederick F. Low

No 42

United States' Consulate

Tientsin 18th Nov 1870

Hon Frederick F Low

U S Minister

Peking

Sir,

I have the

honor to acknowledge the receipt

of your Excellency's dispatch

dated 17th ultimo instructing me

to obtain from the Chinese au-

thorities the sum of Taels 4785 19/100

for the Chapels destroyed in Tientsin

City on the 21st of June last by

the Chinese people, belonging

to the North China Mission of the

American Board of Foreign Missions.

Immediately after the

receipt

receipt of your dispatch I addressed His Excellency Cheng-liu on the subject and handed him translation of the paper received from you giving in detail the loses sustained, and the particulars claims for each. Later I had several interviews with Ma, the Prefect, at my office on this subject, and it was finally arranged by us that as he had, previously to the receipt of my dispatch, already begun erecting the second Chapel near the West gate of the City for which there were charges Taels 285 50/100, by the wish of Revd Mr Stanley that he should proceed with the work and finish it, and

That

that the sum of Taels 4499 69/100 should be paid in cash as liquidation for the claims sent to me from the Legation

I have now to inform your Excellency that I last night received a despatch from Mr the Prefect enclosing a Customs bankers order for the above mentioned amount of Taels 4499 69/100, and that I, this morning, handed the order to Mr Russell & Co of this port with instructions to hold the amount to the credit of the North China Mission of the American Board of Foreign Missions; and I beg to enclose Mr Russell & Co receipts for the amount which I obtained, in duplicate

I have further to inform you that

that the Revd Mr Stanley called on me a few days back to say that he had another claim to present to the Chinese authorities on account of some Chinese connected with the Mission. I shall be obliged to you if you will give me instructions on this head for my guidance when I am called upon to adduce the authorities, as I take it for granted, although I have received no instructions from you on this matter, that the further claims such with your approval

I have the honor &c

Sgd John A T Meadows

H B M Vice Consul

Mr Smith

Adv Feb 24

Ent Smith

DEPARTMENT OF STATE
RECEIVED
FEB
24
1871

No 414 One Enclosure

Frederick F. Low

to

Department of State

Peking December 18. 1870

Encloses a published letter from the Shanghai Chamber of Commerce to the London Committee of China Merchants in regard to Chungkows mission to France, and reviews the letter, making unfavorable comments thereon

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No 44 One Enclosure

Legation of the United States
Peking December 18th 1870

Sir:-

I have the honor to send herewith a slip cut from the 'Shanghai Courier' which contains a letter from the Chamber of Commerce of that City addressed to the London Committee of China Merchants

Before making any comments upon the letter itself I desire to call your attention to the fact that this document

Hon Hamilton Fish was Secretary of State

was prepared and sent by a Mercantile Association composed of English and Americans chiefly —— No French Merchant being present and taking part in the proceedings —— to a London Committee of Merchants, while the Chinese Ambassador, of whom they complain, is accredited to the Government of France alone

A careful reading of the letter discloses the fact that, in the opinion of the Shanghai Chamber of Commerce, no Ambassador from China should be allowed to go abroad.)

The members of this association

are

are, they say, opposed to "any
"fresh effort to shift the arena
"where international relations are
"to be discussed"; and affirm
that the sending of an Ambassador,
however exalted his character
might be, "would have filled
"the minds of all the friends
"of peace and amity between
"foreigners and Chinese (Shanghai
"Merchants) with unavailable
"suspicion; and justified
them "in following any new
"Chinese Mission with anxiety"
This statement justifies the
inference, either that it would
not be prudent or advisable
to have China, through one

of

of her own high officers make
a statement of her position
to the high officials of foreign
Governments to be judged of
fairly and equitably without
prejudice or personal interest,
or that China, whose isolation
and language have practically
debarred her subjects from
profiting by modern civilization
and education, is able to
produce men so well fitted
for diplomacy that the Courts
of Europe are in danger of
being outreached if negociations
are carried on outside of China.

No high minded and honorable
body of merchants like the

Shanghai

Shanghai Chamber of Commerce could, for one moment, assign the former as a good and valid reason for their action: - hence I conclude the latter must be the consideration which influences them. To such a public declaration of the inferiority of our boasted civilization I cannot subscribe

But, if the danger to Foreign Governments of being overreached by a single Ambassador is so imminent, it would seem that the peril is much greater where a single Foreign Minister is obliged to treat with eight of these astute diplomats in

Peking

Peking; while comparative immunity is to be found in the close proximity of Shanghai and the superior intelligence of her merchants, whose unselfish devotion to the public interests leads them to offer advice and lend their aid in the solution of all diplomatic questions

The charges brought against Chinghoo are a series of loose and offensive assertions, unsupported by evidence, unjust in their conception, and unfair in the time and manner of giving them publicity

The action of the Chinese Government

Government in the appointment
of an Ambassador was publicly
known in Shanghai early in
July last. If in the opinion
of the Chamber of Commerce
it is so dangerous to foreign
interests for China to send a
Minister abroad to make, in
the name of his Sovereign, an
apology for wrongs done to the
officials and subjects of another
Nation with whom amicable
treaty relations exist, why
did not the members of this
Commercial body make known
their apprehensions to their
Representatives in Peking, instead
of allowing the Ministers of

Foreign

Foreign Nations to pursue their own blind and unwise course:— urging the Chinese Government to do the very thing which appears to be fraught with so much danger?

And if Chunghow was so culpable in regard to the Tientsin massacre why, during the four months that have since elapsed, were not proper representations of the facts, with the evidence to support the charge, made to Peking?

Mr Hanbury in his protest against their action states the position of the case fairly when he says:- "It would be

"be derogatory to the character
"of this Chamber to have
"remained silent as regards
"this charge of complicity with
"the murder during the last
"four months when they have
"been cognizant of the fact
"that the mission of Chunghow
"was contemplated, and as
"soon as he had left on his
"mission to Europe to forward
"after him so serious a charge
"without giving him the chance
"of rebutting it by any evidence
"he might have been able to
"bring forward in China"

Such wholesale attacks
are calculated to injure the
character

character and reputation of the Chinese Ambassador abroad, and will be productive of harmful results in various ways here. The fact should not be overlooked that all that is published in the local papers is carefully translated into Chinese for the perusal of the high officials, and such sweeping charges and assertions as those contained in the letter tend in no small degree to neutralize the best efforts of the Foreign Diplomatic Representatives in Peking. It is an error for foreigners to suppose that the Chinese officials care nothing

nothing for unfair criticism
or abuse. They are quite
as sensitive on this point as
the people of other Nationalities.
This Legation has been made
aware of the truth of this
assertion by the complaints
and demand for an explanation
of a certain document written
by one of my predecessors and
published in Shanghai, in
which the Chinese Ministers
thought their position had been
unfairly stated and their
action misrepresented.

The book which is
referred to by the Chamber of
Commerce to prove the hatred

of

of the Chinese toward foreigners
is a translation of a Chinese
publication directed against the
Roman Catholic Missionaries.
It has recently been discovered
and translated by some of the
Protestant Missionaries, whose
zeal evidently outran their
discretion. It is a book
unfit to be seen or read; and
it is surprising that any
person could be found to translate
such vile nonsense, or a publisher
who would debase his profession
by publishing it. It is given
to the world without the name
of author, translator or publisher,
attached, and, like all anonymous
communications

communications, seldom worthy
of being read or circulated.
It will, I imagine, be used
only when all other arguments
against the Chinese fail to
produce the desired effect.

If the Shanghai merchants
are honest and entertain
opinions in keeping with the
ipse dixits put forth in the
letter under review, I can only
say that their lack of trustworthy
information touching events in
China is painfully apparent,
which should lead them to
be more guarded in making
and publishing statements which
may be productive of mischievous
results

results. If, on the other hand, they are anxious to stir up strife between natives and foreigners which will result in blood-shed, misery and ruin, and, as a means to an end, are desirous of preventing an honorable and just settlement of the late unhappy affair at Tientsin by the usual modes practiced by all nations, then the public defamation of the Chinese Ambassador and other high officers through letters to London Merchants, and the scurrilous attacks made by the newspapers under their control, upon all of their

own

own countrymen who disagree with them, are susceptible of explanation, and prove most conclusively that the honesty of the Shanghai Merchants is only equalled by the modesty exhibited in the origination and publication of the Paper that accompanies this

Appended to the letter is a slip containing a calm, dignified and reasonable protest, against the action of the Chamber of Commerce, by Mr Hanbury, a British Merchant, which is worthy of and will repay perusal

If the Chinese Government

sees

ever fit to send Ministers
abroad and no better arguments
can be urged against it than
those contained in this paper
I doubt if such opinions
will have much weight in
deciding the question of their
reception by the Western Nations

I have the honor to be
Sir
Your obedient servant
Fredrick F. Low

Shanghai Courier Nov 17. 1870

THE following is the Letter drawn up by the Committee of the Shanghai General Chamber of Commerce, to the address of the London Committee of China Merchants, and adopted, with only one dissentient voice, at yesterday's meeting of the Chamber. In order to complete our Record for readers at a distance, we shall to-morrow give the Protest which Mr. Hanbury entered against the same. We trust that like the Chinaman, Mr. Dixwell, (who noticed the difference between the action of a Consul under instruction of superiors and his feelings as a man), Mr. Hanbury has allowed his duty to his Chinese constituents to over ride his sense of justice as a Foreign Merchant:—

SHANGHAI, November 15th, 1870

To the Chairman of

THE LONDON COMMITTEE OF CHINA MERCHANTS.

SIR,—The Shanghai General Chamber of Commerce have been much gratified to learn, from the newspapers, the prompt action your Committee had taken in bringing to the notice of Her Majesty's Government, the critical position of Foreign relations with China arising out of the atrocious massacre at Tientsin, on the 21st June last. You will have heard by subsequent mails that nothing had transpired in this country to allay the anxiety with which all who are interested in China must regard such grave events; and, feeling sure that you will not have relaxed your vigilance, while affairs are so unsettled between Foreign Governments and the Chinese, we shall esteem it to be our duty from time to time, to invite your attention to any points that may arise, on which it may be desirable to take action.

On the present occasion we would take the liberty of giving you our views on the subject of the proposed mission of CHUNG-HOW to Paris, an undertaking which may be fraught with great danger to the true interests of Foreigners and of the well-disposed—which is the most important—section of the Chinese people.

CHUNG-HOW has been favourably known to Foreigners ever since the opening of trade at Tientsin under the convention of 1860, during which time he has filled the important post of Superintendent of trade for the three northern ports. He has been regarded as a liberal-minded men, and not altogether averse to measures which would tend to the advancement of his country. His sincerity had never been put to a severe test, and it was permisiable therefore to accept his professions of good-will to foreigners, and to "progress," as genuine.

CHUNG-HOW enjoys high rank in the Chinese Empire, being designated by His Imperial Highness Prince KUNG, as "Honorary Guardian of the Emperor of the third-class, wearing a button of the first rank, decorated with a double-eyed Peacock's feather, Lieutenant General of the Ourdia Red Banner, Vice-President of the Board of War and Superintendent of Trade for the three ports." As far as his personal and official qualifications are concerned, therefore, CHUNG-HOW would have been in every way acceptable as an emissary from the Chinese Government to Foreign power; indeed as contrasted with the obscure character of the "co-envoys" who accompanied the late Mr. BURLINGAME to America and Europe, the appointment of CHUNG-HOW as ambassador would have been a mark of actual respect to the governments to whom he was sent.

Even with a man of rank at its head, however, the despatch of another Mission to Europe would have filled the minds of all the friends of peace and amity between Foreigners and Chinese with warrantable suspicion. The idea under which the Chinese Government organises such expeditions has been made so plain by the career of the one which has just finished its labours, that the Chamber of Commerce can only view any fresh effort to shift the arena where international relations are to be discussed, as an attempt, by means of systematic misrepresentation, to induce the Governments of the West to enter into one-sided agreements. It would therefore have been the duty of the mercantile body to warn the Governments interested, against the too probable impositions of any new embassy which might profess to represent China abroad, and to urge them to put their faith rather in the facts with which a long experience has made them acquainted, than in any *ipse dixit* of an "ambassador," who if sincere, might be little qualified to speak with authority, or who, however well qualified, might have obvious personal inducements to create erroneous impressions.

These considerations would have justified us in following any new Chinese Mission with anxiety; but it is on grounds which, if not stronger in themselves, are at least more intelligible to persons who may not have watched the progress of the Burlingame Mission very carefully, that we take exception to the proposed expedition of CHUNG-HOW.

The ostensible object of his voyage is to make some explanation to the French government concerning the massacre of its protegees and subjects at Tientsin. At present we have no precise information as to the character in which he is to present himself in Paris. The French Charge d'Affaires, Count ROCHECHOUART, states in a circular letter to the French Consuls in China, that "at his request the Chinese government has sent H.E. CHUNG-HOW as ambassador to France, to explain, and if possible to gain approval of his conduct." And in a dispatch, copy of the translation of which has been courteously furnished to the Chamber by direction of Count ROCHECHOUART, His Imperial Highness Prince KUNG refers to the proposed Embassy in these words; "Our acquiescese in your wishes (viz. that the three mandarins who are believed to have instigated the massacre should suffer capital punishment) would cause great embarrassments to China, and the explanation of these can naturally be given *viva voce* by His Excellency CHUNG to your noble government." This is all that is publicly known at present on the subject.

The purpose of the mission, as stated by Prince KUNG, is ominously like that of its predecessor, which has wrought such incalculable mischief both to China and her foreign relations. It was to represent China's "difficulties" that, according to Mr. HART, the BURLINGAME Embassy was sent forth, and should the present mission at all resemble that in its operation it will be a public calamity.

Count ROCHECHOUART'S brief account of the mission is not free from incongruity. The "conduct" which CHUNG-HOW is going to explain is his own share in the massacre of French subjects; this however resolves itself into a single question of fact, whether he did or did not connive at, whether he did or did not encourage, the atrocities perpetrated under his government at Tientsin; and it is difficult to see how any new light can be shed on this question by investigations in Paris. Again if Chung-how is going to propitiate the French nation for acts of his about which there is no dispute, it was hardly necessary to invest him with high dignities for such an errand.

Although the scope of the mission of Chung-how should be limited to representations at Paris in connection with his personal share in the Tientsin massacre, it is unnecessary to inform your Committee that its reception may have an important effect on the position of Foreigners generally in China, and even on the prospects of trade. Our relations with the Chinese are of such a nature as to bind all classes of Foreigners by a common interest. The victims of the Tientsin outrage were not French alone, but of various nationalities, British included. Your Committee may therefore be in a position, if only indirectly, to influence the decision of the governments to which the Mission may address itself; in which hope we would now urge the special objection which the Foreign communities in China entertain to the official reception of Chung-how by any civilized power. That objection is nothing less than Chung-how's supposed complicity in the barbarous murders of the twenty-one Europeans who were living under his protection. Chung-how was at the head of the executive civil and military, of Tientsin at the time when that horrible atrocity was perpetrated in open day, and he had held that responsible position for ten years, during which time he was in constant communication with the Foreign Consuls and others.

There had been ample warning given that some outbreak against Foreigners was intended; the plot appears to have been generally known through out the north of China for some time previous to its denouement. The British Consul Mr. W. H. Lay took so serious a view of affairs, that he warned Chung-how three distinct times, on the 18th and 20th and finally on the 21st of June: yet not only was no precaution taken by Chung-how to prevent disturbance, but the letters were left unnoticed. When the attack had actually commenced, on the 21st, Chung-how still denied all protection to the Europeans, although he had six hundred disciplined troops under his immediate command on the spot.

The two city magistrates may have been probably more directly responsible for the massacre, their inflammatorty proclamations and other efforts having been the means of exciting the hostile feeling to Foreigners, while they themselves are believed to have taken an active part in the affair; but it is important to remember that CHUNG-HOW exercised full power over these men, and could at any moment have arrested the course of events which led up to the massacre. Nay more, it was his special business to acquaint himself with, and to supervise all proclamations issued by his subordinates, and it is simply incredible either that he was unacquainted with the nature of the proclamations by which the magistrates incited the people to the massacre, or that they could have been published without his approval.

In a proclamation issued the very day after the event, he accepts the full responsibility of his position, and says "I have given orders to the civil and military authorities to apprehend and severely punish any persons who are found abusing or contending with Foreigners." There is no doubt therefore that CHUNG-HOW was the proper person to have stopped the operations of the so-called "mob," and that he could have done so, had be been so minded, seems also to admit of no doubt. CHUN-HOW's ability to suppress the attack is clearly shewn by his volunteering to send 600 Foreign-drilled troops on the day after the massacre to protect Foreigners in the settlement.

It is true that the French Charge d'Affaires is disposed to acquit CHUNG-HOW of being concerned in the murders, on the strength of a letter written by Mr. Consul FONTANIER on the morning of the massacre. But as it is rather by what has come to light since Mr. FONTANIER was cut down at CHUNG-HOW's door, and probably in his presence, that the public must judge of his conduct; the opinion of M. FONTANIER before the event can have comparatively little weight. No foreigners previous to the massacre could have supposed that Chung-how, who had been so long and favourably known to them, would connive at so atrocious a crime, but if M. Fontanier had lived to see the tragedy of the 21st June completed, it is reasonable to suppose he would have given a different verdict.

It is unnecessary to follow Chung-how's conduct into further detail, as there is more than sufficient *prima facie* evidence in what we have advanced to show that before being received as an Ambassador, Chung-how should be called on to exculpate himself from the murder of the victims of the 21st June.

The importance of the present crisis in Foreign relations with China can hardly be exaggerated, as the success of such a Mission as Chung-how's may go far to destroy what little remains of that prestige which has been the security for Foreigners in China, and the guarantee of peace between the respective countries. The Imperial Government has declined to punish the real instigators of the massacre, or even to go through any form of investigation into their guilt or innocence. The two magistrates, who have been nominally exiled, have not been tried for the murder, and are thus punished only for their incapacity to preserve order; while the General Chen-kwo-jui, the capital punishment of whom was likewise demanded by the French Charge d'Affaires, has scarcely even been alluded to in the despatches from the Prince Kung. It has thus been published throughout the Empire of China, that foreigners may be outraged with impunity, provided their assailants be sufficiently influential, and no argument is needed to shew you that the most disastrous consequences may result from this discovery.

But as if it were not enough to allow the guilty to escape, the Imperial government has marked the occasion by an act of shocking barbarity towards a number of innocent persons, twenty of whom have been sentenced to death, and sixteen* of them have been already beheaded at Tientsin. Whether or not any of these unfortunates actually took part in the massacre of 21st June, the fact that they were procured by purchase takes away all idea of their execution being a legal or just punishment for the crime, and the ceremonies attending the excecution were such as to give it the character of a mere sacrifice to the unreasonable demands of foreigners. The malefactors of the 21st June, if any were among the sixteen beheaded on the 18th October, have been thus elevated to the rank of martyrs, an event not calculated to allay the popular hostility to foreigners which has been so diligently inflamed for some time past. Even the payment of the indemnity which has been proffered to, and accepted by, the French Charge d'Affaires has been so arranged as to deprive it of all the appearance of being a reparation for the outrage. Justice and sound policy alike required that the penalty should fall, as much as possible, on the place where the crime was enacted, that it might be retributive in its character and deterrent in its effects. Instead of this, however, the larger portion of the amount is to be provided out of the duties levied on Foreign trade at Shanghai and Canton, and even the remainder which is decreed to be paid at Tientsin is likewise to be drawn from the proceeds of Foreign duties, thus successfully disguising from the Chinese people the connection between the Massacre of Foreigners and the punishment of the crime.

The effects of proceedings such as these would be deplorable enough under any circumstances; but the danger to amicable relations will be greatly intensified by the proposed expedition of Chung-how. He is so notoriously implicated in the murders of June, that his being permitted to leave China, even on the pretence of a mission to France, will be, in the eyes of the whole Chinese people, a public condonation of that crime; while his actual reception by the French government, and still more the success of his representations, could not fail to degrade all Foreigners in the eyes of the Chinese, before whom it is so important to maintain our self-respect. It would moreover exert a most injurious influence on the Chinese authoities themselves, by convincing them that any difficulty may be tided over, any outrage atoned for, by supple diplomacy, and hollow promises for the furture. The success of the Burlingame Mission has assured them of their power to over-reach and mislead the nations of the west. If they are a second time successful in this policy, and manage to gloss over a terrible tragedy like that of Tientsin, the position of every foreigner in the empire will be imperilled.

There can be no question that a powerful faction exists among the literary and governing classes, who entertain deadly hatred to foreigners, and cherish hopes of their expulsion or extermination. The kind of means to which this faction will resort to further their designs may be gathered from the perusal of the accompanying pamphlet, which is a translation of a book written by a man of high literary attainments, and is circulated from the Yamen of the mandarins It is called a "Death Blow to Corrupt Doctrines," and its object is to associate the name of foreigners with the most revolting practices. Though a production of almost inconceivable obscenity and falsehood, it furnishes an instructive picture of two classes of the people with whom we have to deal. The unscrupulous animosity of the anti-foreign official party is there clearly exhibited, and the ignorance and superstition of the people, for whom the book is intended, is made equally plain. While efforts like these are being made to poison the minds of the populace in regard to foreigners, and to stimulate them to such outrages as that at Tientsin, it is self-evident that the only wise or safe, or even humane policy for foreign governments, is one of such uncompromising firmness as shall discourage the hostile faction from prosecuting their schemes. This party derived great encouragement from the diplomatic successes of Mr. Burlingame, and the reception of the mission of Chung-how is still further calculated to strengthen their hands.

I have the honour to be,

Sir,

Your obedient Servant,

A. MICHIE,

Chairman.

* The remaining four were accused of the murder of the Russians; the Russian authorities protested against their execution, until they should be satisfied of their guilt. These four men have consequently been spared for the present.

Against this Mr. Hanbury after some remarks read the following protest:

I protest against the Letter to the Chairman of the London Committee of China Merchants as being libellous in character, and lowering to the Chamber of Commerce, bringing as it does a charge of complicity with murder against a man never formally accused of the crime, and virtually acquitted of any supposed complicity by his appointment as Ambassador to France at the request of Count Rochechouart the Minister for France, and submit the following reasons why the letter should not be sent.

1st.—The charge of complicity with murder is to be found in the following paragraphs of the Letter.

"That objection is nothing less than Chung How's supposed, complicity in the barbarous murders of the twenty-one Europeans who were living under his protection. Chung How was at the head of the executive, civil and military, of Tientsin at that time when that horrible atrocity was perpetrated in open day, and he had held that responsible position for ten years during which time he was in constant communication with the Foreign Consuls and others."

"When the attack had actually commenced on the 21st, Chung How still denied all protection to the Europeans, although he had six hundred disciplined troops under his immediate command on the spot."

"He is so notoriously implicated in the murders of June that his being permitted to leave China, even on the pretence of a mission to France, will be in the eyes of the whole Chinese people, a public condonation of that crime."

But this charge is disproved by the fact that the Minister of France, after investigation on the spot has acquitted Chung How, and fixed the guilt upon others; thus it seems too great an assumption on the part of the Chamber located hundreds of miles from the scene of the tragedy, and whose facts are largely derived from anonymous contributions to the newspapers and many impossible of verification, to state so authoritatively the guilt of a man who has not been so judged by the foreign authorities at the North.

2nd,—It would be derogatory to the character of the Chamber to have remained silent as regards this charge of complicity with murder during the past four months when they have been cognizant of the fact that the mission of Chung How was contemplated, and as soon as he has left on his Mission to Europe to forward after him so serious a charge without giving him the chance of rebutting it by any evidence he might have been able to bring forward in China.

3rd.—The proposed indictment against Chung How necessitates a serious counter charge against the French Minister, of having requested the Chinese Government to send an official as ambassador to his country who is "notoriously implicated in the murders of June"; nor is it easy to see how, if the statement of the Chamber is to be accepted. the foreign Consuls in Shanghai can explain their honorable reception of such a man.

T. HANBURY.

A number of members having given various reasons for warmly approving of the letter and urging its adoption, the Resolution was again put to the meeting and carried, Mr. Hanbury dissenting.

1102 Ask 13 Mar

approv Dec 24

Mr Pratt

DEPARTMENT OF STATE
RECEIVED
FEB
24
1871

No 45 One Enclosure

Frederick F Low

to

Department of State

Peking December 27 1870

Reports his action touching a rumor that certain ceremonies were to take place and a memorial Tablet or Tablets was to be erected in honor of the Tientsin murders, and encloses copy of a dispatch from Vice Consul concerning same subject

FOREIGN Relations '71

N° 45 One Enclosure

Legation of the United States
Peking December 27. 1870

Sir:

A short time since a report came to me from Tientsin that the people there were preparing to give to the men that were executed for participation in the riot of last Summer a grand public funeral, and that funds were being collected to erect a Tablet or Temple to their memory

While it appeared desirable, in

Hon Hamilton Fish
Secretary of State

in every respect, that the proper
authorities should endeavor to
prevent such proceedings, it
did not seem to be a case
in which a formal official
protest by myself, or my colleague,
would be proper or becoming.
I deemed it advisable, however, to
send Mr Williams to the Foreign
Office with a verbal message
pointing out the danger to be
apprehended from a large popular
assemblage such as would be
collected at the funerals, and
the evil effect the news of
such proceedings would have
abroad; and advising the
Government to take such measures

as

as should be, by the proper officer, deemed advisable to put a stop to it. At the same time the Vice Consul at Tientsin was instructed to call upon the Viceroy and make similar friendly representations to him

Herewith I have the honor to inclose copy of a despatch from the Vice Consul giving a report of his interview with the Viceroy, and the assurance of the latter that the proceedings contemplated will not be allowed to take place

This matter is important chiefly as exhibiting the temper

of

of the people of Tientsin,
and I should not have
troubled you with any reference
to it but for the fact that the
rumor, when it reaches Shanghai,
will probably be seized upon
and given undue prominence in
the Newspapers, and have the
effect to keep alive the fears
and apprehensions of the
foreign community.

I have the honor to be
Sir,
Your obedient servant,
Frederick F. Low,

Despatch No 45
Enclosure A

United States Consulate
Tientsin Dec 22. 1870

Hon Fred^k F Low
U S Minister, Peking

Sir

On the 20^th instant I called on Li-Hung Chang, the Viceroy and brought on the subject of your last letter to me in regard to the report current at Peking, - "that the people "of Tientsin are preparing to give "the beheaded martyrs a grand "funeral, and that a memorial "Tablet or Temple will be erected "to their memory"

His Excellency said that shortly after the executions a rumor was current in Tientsin that it was the intention of the people to erect a

a Teze-tang (which we may in this case translate by the words a "Sacrificial Temple") dedicated to the memory of the executed men; but that on the rumor reaching his ears he at once called the Prefect and Magistrate (Chefoo and Chehsien) to him and ordered them to rigorously prevent any such action on the part of the inhabitants if they actually contemplated it. He further added that the men had been punished in accordance with the laws of China for the killing of foreigners, and as Chinese and foreigners were one family, it could never be permitted by the territorial authorities that the people of Tientsin should be allowed to erect a Teze-tang to

their

their memories; and if the attempt was made he himself as the Viceroy would personally proceed to the spot and pull the building down. On no account, would it be permitted by the Imperial officers. It was however, he was sure, never the intention of the respectable inhabitants of Tientsin to do any such thing; and that rumor arose, he was confident, from some utterances of the lower orders who were congregated at the place of execution.

I am confident in the opinion that the Viceroy would not allow the inhabitants of Tientsin to mock any such Teze-tang or Temples as mentioned in your letter of 15th inst.

I

I told the Viceroy that
I would report his words to your
Excellency; and I further added
that you might be passing through
Tientsin next Spring on your
way to the Southern Ports which
you had not yet visited. He
said he would be very glad to
see you if you came to Tientsin

I am &c

(Sgd) John A T Meadows

U.S. Vice Consul

No official

No 2 Batt

Peking Dec 28 1870

Hon Hamilton Fish

Secretary of State

Sir;

The American mail which left San Francisco Nov 1st has not as yet reached Peking. Consequently I am without any advices from the Department later than the 22d September

All water approaches to Peking are now closed by ice, and our correspondence has to go & come by Courier via Chinkiang.

Respectfully yours

F. F. Low

Encl
Desp

Adv. a very satisfactory despatch
Dec 22 April 10

No 446.

DEPARTMENT OF STATE
RECEIVED
MAR 28 1871

Frederick F. Low

to

Department of State

Peking January 10. 1871

Gives a succinct history of the governmental organization of China, of the independence of the provinces, and the force of public opinion; describes the mode of filling the offices, the manner of competitive examinations, and estimates the value of the education; explains who the Literati and Gentry are

their

thus positive and influenced;
refers to the language as being
a great obstacle in the way
of improvement; notes the decay
and decline of the empire and
expresses opinions as to the causes,
and makes suggestions which he
thinks will tend to reformations;
deprecates the use of force except
in defence of treaty rights, but
thinks a continuance of peace
improbable for reasons stated;
advises the continuance of a
just and humane policy unless
the people and the government by
their acts compel the adoption
of a different policy.

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FOREIGN Relations '71

No 146

Legation of the United States
Peking January 10th 1871

Sir:

Hitherto I have confined myself, to reporting, with as much care as possible, upon the present condition of affairs in China without indulging in reflections as to the past or in speculations upon the future. This appeared to me to be the course of wisdom and prudence; and while the information given in this way to Hon Hamilton Fish might Secretary of State

might not be as full and a
complete as would be desirable,
what you did receive would be
more exact and reliable. And
besides time, observation and
experience, seemed necessary to
enable an impartial judgment
to be formed with reference to
a country and people, about
which there are so many antagonistic
theories and diverse opinions as
there are in regard to China and
the Chinese. No forecast
of the future would be likely to
prove correct, or subserve any
useful purpose unless founded
upon a broader basis than the
prevailing opinions and prophecies

current

current here seemed to be

In submitting some observations upon China; its social and political organizations; its relations with the people and governments of other nations; and some speculations in regard to the future, I do it with some diffidence knowing as I do that opinions upon these points differ so widely that the exact truth can only be approximated. Even with the same sources of information different persons form different theories and arrive at opposite conclusions; each theory appearing plausible and all opinions containing

more

more or less truth

China is in itself a country of contradictions. No generalization is safe or likely to prove correct; - for to fifty examples adduced to prove a given state of facts, one hundred may be brought forward to prove the contrary. This is true of the government as well as everything else. Commencing with the Emperor and tracing the authority downward nothing is seen but irresponsible autocratic power, which must of necessity make the government an absolute despotism; while if you begin at the bottom

and

and go up through the several gradations of society and governmental authority, democracy appears to be a principle duly embedded in the governmental structure; — the popular will exercising a controlling influence over the officials — the officers evidently being guided, to a great extent, by the will of the governed. The fact is, however, that it is neither the one nor the other, but a strange mixture of both — despotism and democracy — of absolute authority vested in the Emperor to do all things according to his will, while this power is so hedged about

by

by precedent and tradition that little can be effected except in obedience to the popular will.

In theory the Emperor is God's vicegerent on earth, and the source of all law both human and divine. He claims to be, by right, the possessor of the soil; owner of all the resources of the country; the source of office from which come power, honor and emolument; and is entitled to the service of all male subjects between the ages of sixteen and sixty.

Were this theory carried out in practice the government of China

China would be the strongest of any on earth. One man's arbitrary will controlling and directing four hundred millions of people has no parallel.

Against this theory may be safely stated as a fact that the power of the Imperial government is weak, amounting to feebleness, conceiving a central show its people rather nominal than real.

China is divided into Eighteen provinces, each having a separate government, the chief officials of which are direct appointees of the Emperor. In theory the provincial governments are instituted

for

for commenced, to assist the Imperial government, in the exercise of its jurisdiction and authority, over the people, while in fact the provinces are, to all intents and purposes, independent tributary States, in which the authority of the Central Power is scarcely felt except through the provincial officials. The governments of the provinces in their workings appear to be a complete realization of the day dreams of the most enthusiastic advocates of, and believers in, "States Rights" in the United States

The provincials officers are invested with legislative and judicial

as

as well as executive powers, and are to all intents and purposes supreme within their jurisdictions.

They grant leases for the land and receive the rental; fix the rate and mode of taxation and cause the taxes to be levied and collected; and appropriate the proceeds, over and above what may be demanded by the Central Government, as an annual contribution for its support, to defray the expenses of provincial administration. And when any extraordinary expenditure is rendered necessary it is their duty to devise means for raising municipal taxes to meet the emergency.

The

The officers of the Provinces are expected to maintain peace and good order within their several jurisdictions; to repel invasion and suppress insurrection, and if necessary for the purpose, to raise and organize troops and support them. They are required to do all this without having any fixed rule of law for their guidance. When any outbreak occurs the fact is looked upon by the Central government as prima facie evidence of the incapacity or dishonesty of the local officials justifying instant removal from office and degradation.

By

By Chinese law acts of omission are punished with as great or greater severity than acts of commission. If an insurrection occurs it is quite according to precedent, to use any available means to put it down; and it not unfrequently happens that leaders of guerrilla bands are rewarded with money and even with office as a quid pro quo for disbanding their marauding forces. If, on the other hand, force is resorted to, to suppress insurrection, the maxims of Machiavelli appear to be the law of war;— "It is safer to put an enemy

to

"to death, because if his life
"be spared he may stir up
"sedition again". Instances
occur when men and money
are ordered from other provinces
to aid in suppressing revolt,
but as a rule each province
is expected to maintain peace
without aid from elsewhere

The chief officials of
the provinces usually recommend
or nominate persons to fill the
subordinate offices. These
recommendations require Imperial
sanction, — which is rarely
withheld — before they can become
effective: — a nomination being
considered equivalent to an

appointment

appointments. In this way by far the larger number of offices in the Empire are filled — by the high Provincial officers — while in theory all appointments are made by the Emperor alone

Theoretically all offices are filled by the intelligent and educated only; — the test of a literary examination being applied to all candidates and only those who pass this ordeal with credit being considered eligible. The humblest person in the Empire, if fitted by education, is eligible to the highest offices below Royalty. This rule

is

is adhered to with a strictness and impartiality that would be highly creditable in any nation. As a proof of this a large proportion of the high officials at the present time are men of lowly origin. This system, admirable in itself, has stood the test of nearly eleven hundred years practice. It has survived internal wars and changes of dynasty, and is today more firmly fixed in the polity of the Empire and the affections of the people than any principle which governs this nation. Indeed it is about the only principle

principle that has not so often been set aside from motives of policy that little is to be found of this original

Great precautions are taken to secure absolute impartiality in the examinations, and I am convinced that they are conducted in a manner that would be creditable anywhere, and that equal and exact justice is substantially done. Much has been said and written by foreigners in regard to the sale of offices to non-graduates for money; and while it is undoubtedly true that this expedient has been resorted to in times of great financial

financial distress to replenish the government exchequer, I am inclined to believe that rank, and not office, is the chief thing sold and purchased. In other words a title resembling somewhat a brevet rank in our army, which carries with it honor but no emoluments, is the thing purchasable. To be sure a person holding rank is eligible to office, but as a matter of fact few of those that purchase rank are appointed to office.

The great draw-back connected with this excellent system is the useless character

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of the education when applied to the practical concerns of life. What would be thought of the curriculum of our universities and colleges that included only the study of the Old Testament in English, and the Greek, Hebrew and Arabic languages! Or of an examination in which the student, in order to entitle him to a diploma, would be required to exhibit a thorough knowledge of the three dead languages and be able to recite from memory the Books of Moses, the Psalms of David and the Proverbs of Solomon! And yet this is

not

rich are inapt illustrations of the value of a thorough course of Chinese instruction. —

Education in this country includes a long and laborious course of study, consuming the best years of a lifetime and in the end the result is valueless for any useful purpose to the Government or people

Another glaring defect in the construction of society is that the hope of obtaining office is the great, if not the only, incentive to a thorough education. Office which brings to its recipient, honor, power

power and reward, is the end
and aim of all men in this
country. With this end in
view, they will struggle, in
poverty, through a long series
of years, triennially, submitting
themselves to an examination,
with ninety nine chances in
a hundred against success;
and many who do obtain the
coveted prize only succeed at
the ages of 50, 60 and 70 years
when their mental and physical
energies are well nigh exhausted.
So far as I can learn few
if any enter upon a thorough
course of study with a view
of fitting themselves for professional
labors

labors, or of applying their talents to any useful purpose in science or art.

When there is such a scramble for place and power the number of unsuccessful ones must be very large. Scarcely one per cent of those that compete triennially for the highest degree are successful; and when it is taken into consideration that only those that pass a successful provincial examination are entitled to compete at Peking some estimate may be made of the vast numbers in the Empire that enter the race

for

for renown and reward.
Those who do not succeed
constitute by common consent
a middle class, commonly
known as the "Literati and Gentry."
The people of this class occupy
a medium position between
the officials and peasantry.
They act as advisers to the lower
classes, and their good offices
are sought by the governing
class in the management of
local concerns. By their
superior intelligence they are
enabled to control most of
the property, and yet few
acquire such wealth as would
enable them to oppress the
people

people were they so disposed
This class create the publick
opinion of the country, which
exercises a controlling influence
over the officials, and is usually
powerful enough to thwart
the intentions and nullify the
actions of the officers, from
the Emperor down, whenever
popular rights are in danger
of being invaded, or the people
unduly oppressed. So powerful
is the influence of the literati
that all officials endeavor to
conform their action to the
popular will, and in this view
the Government of China is
essentially democratic in practice.

Where

When offices are obtained
at the cost of so much labor,
and expence the officials expect
to reimburse themselves for all
their trouble when position is
once obtained, and, if report
be true, they seldom fail in
their purposes; nor are they
particular or scrupulous about
the means by which it is done.
To successfully accomplish what
they desire, with the people in
front, and the Emperor behind
vested with the arbitrary power
of removal from office, is not
always easy; so that the
acquisition of ill gotten gains
without risk of unhappy
consequences

consequences usually compels the officials to resort to falsehood and subterfuge. When complaint is made to the Imperial government all the advantages are on the side of the officials and against the complainants; for in a country like this where there are neither railroads, telegraphs, or a well regulated postal system communication between the Capital and the provinces is slow, irregular and uncertain, and the officials are thus enabled to present their side of the case first and in the most favorable light; and in the absence of a newspaper press the popular

voice

voice can scarcely be heard outside of the immediate vicinity, wherever such cases arise, These causes often give rise to insurrection and rebellion, which seems to be the only mode left to the people to redress their wrongs. The practical operation of the whole governmental system appears admirably adapted to the education of the officials in falsehood and venality; } onal

When, therefore, the charge is made, as is often done by foreign residents, that "China "is a nation of liars", it should be borne in mind that the education which comes of the governmental

governmental system and tends in that direction. The arbitrary power vested in the officials appears to render falsehood necessary, on the part of the common people, in order to escape oppressive bindens and unjust punishments; and the desire for dishonest gains on the part of the officials compels them to use subterfuge to escape untoward results. As an offset to this kind of dishonesty, and in justice to the Chinese, it should be stated that among the trading and mercantile class, there is probably more honor and honesty than is to

be

be found among similar classes in any country

In placing a value upon the honesty of the Chinese as compared with that of other nations, I by no means overlook the differences between Paganism and Christianity; but with all its elevating tendencies I should be inclined to doubt the efficacy of Christianity, unaided by other enlightening and elevating influences, in controlling the baser passions of men — keeping them in the path of rectitude and virtue — when exposed to the temptations that Chinese officials are. It would be

be hazardous to predict a
better state of public and
official morality in any nation
however enlightened according
to our ideas of enlightenment,
with a government of arbitrary
powers, depending more on
tradition and precedent than
well defined written law for the
guidance of the officials and
the people

In view of all these
adverse circumstances, instead
of finding progress, it is a matter
of surprise that the whole
social and governmental fabric
has not fallen to pieces of its
own weight. With such

entire

entire independence on the
part of the provinces the wonder
is that the Central Government
has been able to maintain any
prestige or power whatever.
Isolation has undoubtedly
done much towards Keeping
the nation intact; and the
fact that the Emperor is a
regarded as the Spiritual as
well as the temporal head.
adds much to his power and)
to the force of Imperial edicts.
But more than all other
influences combined is the
universal ambition for official
position and the mode of
making the appointments

This

This is the strong bond that has kept the nation together. By the method of competitive examinations before referred to, all the intellect and education of the Empire is either in office or hoping to get in. The officials are anxious to keep the government intact in order to retain place and power, and a large portion of the literati live in the hope that a happy turn in the wheel of fortune — a successful examination — will give them official position also. This is also a great hindrance in the way of making improvements; —

— an

— an almost insurmountable barrier in the path of progress, which is difficult to reach or overcome by reason or argument.

The language is another great obstacle, which only time and forbearance on the part of other nations will be able to remove, even partially. The language is so cumbersome that it consumes many years in the lifetime of a native to master it thoroughly. If this be so in the case of natives what are the prospects of foreigners that undertake this task? To be sure there are, at this time, a number of foreigners

foreigners able to read and
speak the language with more
or less fluency, yet with all
their years of patient study it
would not be safe to affirm
that there is in China a single
foreigner able to read and
speak the language thoroughly
and correctly, or one that would
undertake to translate a letter
or despatch into Chinese, without
the aid of a native teacher or
writer, and be certain that
the meaning and intent would
be correctly understood.

The Chinese appreciate but
slightly the importance of
learning other languages, which

would

would enable them to read the literature of other nations, and until more enlightened, will make little or no effort in that direction; and until they can be led to appreciate the value of foreign knowledge, or foreigners can prepare themselves to teach the Chinese in their own language, how are the latter to acquire knowledge!

Although the task is laborious, requiring much time and patience, yet the progress made in the last twenty years is encouraging. Text-books, dictionaries &c are multiplying, all of which will prove efficient aids in acquiring

the

a knowledge of the language
and will facilitate very much
the work in the future

Aside from those connected
with the Foreign Customs Department
of the Chinese Government, the
foreign Diplomatic and Consular
service, and the Missionaries,
it would be difficult to find
a single foreigner able to
understand, speak or write, the
Chinese language. The
foreign merchants have made
no effort in this direction.
On the contrary some firms
have declined to employ natives
that could speak and read
English, fearing that the Europeans

price

price currents and market reports might be by them communicated to the native merchants. Substantially all business with the natives is transacted through the agency of Chinese brokers or "Compradores".

Merchants are able to communicate with their Compradores by means of a nondescript jargon called "Pidgin English", by which the simplest ideas may be conveyed — orders for buying and selling — which answers the purposes of trade. It possesses however few elements of language, and its introduction and use have in no small

degree

degree retarded the progress of the natives at, and near, the ports in acquiring something like a correct knowledge of our language. It gives me pleasure, however, to chronicle the fact that there are, at the present time, in Peking two young men, employees of an American firm in Shanghai, studying the language with a view of making themselves useful to their employers and thus relieving the home somewhat from its entire dependence upon native compradores in communicating with Chinese merchants. This

firm

firm (Miss Augustine Heard & Co.) deserve honorable mention for liberality and enterprise in promoting what seems to be the acquisition of useful knowledge; and it is to be hoped that the experiment may prove such a success as to induce others to follow their example

That the empire is in a state of decline the signs of decay and ruin to be met with on every hand afford painful evidence. When the decadence commenced and what are the causes, are, like all other questions in

regard

regard to China, not easy
to be answered. If the
history of this country could
be correctly known and
understood it would be found,
undoubtedly, that progress and
retrogression had alternated
according to the vigor, or licen-
-ciousness and profligacy, of the
several dynasties, and very
much in proportion to the
wisdom honesty and energy
of the several ruling Emperors
The present decline, however,
may, I think, be safely set
down as dating from the
reign of the Emperor Kienloong
who ruled from 1736 to 1796
During

During the reign of Kien-
Lung vast sums of money
were expended in repairing and
enlarging old, and in building
new Imperial residences and
pleasure grounds, and in the
repair and erection of Buddhist
Temples, tombs, tablets &c all
over the country. Succeeding
Emperors do not appear to
have had the vigor to repair
the loss to the national wealth
occasioned by the profligate
expenditure made by Kien-Loong.
The people becoming impoverished
became also discontented, and
their discontent showed itself,
in rebellions and insurrections

This

This insurrectionary spirit
on the part of this people seems
to have become chronic, and
rebellion showed itself
in nearly all the provinces
of the empire, at various times
during the present century.
It finally culminated in
what was known as the
Taeping Rebellion, which raged
with great violence and fierceness
from about 1850 to 1865.
and devastated and laid waste
almost the entire central part
of China before it was finally
suppressed To the destruction
of life and property by this
insurgents must be

added

added the cost in men and money of the wars carried on by the Imperial Government for their suppression, and also the foreign wars that have occurred; all of which have reduced hundreds of thousands of the peasantry to destitution want and starvation. From the best data obtainable the loss of life by casualties of war, wounds, sickness and starvation, within the last one hundred years has overbalanced the natural increase of population, so that the actual number of people now in China is

less

as than it was a century ago. If this estimate be correct, - of which there can be little doubt, - it is obvious that from these causes alone decline and retrogression must be the inevitable result.

In addition to this, and more potent, probably, than all other causes combined, is the increase in the consumption of opium. This vice, which has consumed the substance and emaciated the people, was scarcely known at the beginning of the present century.

In the year 1800 the total amount of opium imported

into

into China, according to the most authentic accounts did not exceed 4000 chests of 133 pounds each. In 1869 the amount of the foreign drug brought into this country was about 85000 chests. This estimate includes 53000 chests actually entered at the open ports on which duties were paid, and 32000 chests which the Foreign Customs' authorities believe were smuggled into the country from Hong Kong. At the beginning of the present century very little opium was produced in China. In 1869 careful estimates put

down

down the native growth at
equal to 75000 Chests, which
makes the total consumption
of this drug 160000 Chests.-
- equal to 21,000,000 pounds
or ten thousand five hundred)
tons. The value of the
opium brought into the Country,
in all ways from abroad,
does not vary much from
sixty eight million of dollars;
- equal to seventy five per
cent of the value of all the
tea and silk exported to foreign
countries. These figures
tell a painful story, and are
a sad commentary upon
the benificial influence of
foreign

foreign trade upon the welfare of this people. They prove most conclusively that the vice of opium smoking has consumed, and is consuming a large portion of the earnings of the people, impairing their ability to pay taxes, which in turn, tends to the impoverishment of the government. But this estimate only includes the smaller part of the loss and damage. The consumption of this drug has weakened the energies of the people, promoted indolence and profligacy, impaired their production power and accelerated the decay and

ruin

ruin of the Empire

Whether this decadence can be arrested by a reformation in the habits of the people, or whether new sources of industry and wealth can be opened up to replace the loss caused by the use of opium, or both, are questions worthy of the serious consideration of all who desire to foster and increase the commercial relations between the people of western nations and this country. The former, —, in my judgment, is only possible by creating among the people a better moral sentiment, which will have

the

the effect to curb their appetites and passions; the latter can only be done by enlightening the governing and educated classes with reference to the benefits to be derived, and through their influence induce their own people to undertake the task of systematically developing the rich mineral and other resources that now lie dormant, or allow foreigners to do it for them. In my judgment these are the only means of regenerating this country and this people peacefully.

The masses must be

educated

educated through the labors and influence of the Christian missionaries chiefly, and the officials must be taught by the wise, judicious and energetic, action of foreign governments, through their diplomatic representatives in Peking This latter influence must be exerted in the enlightenment of the officials, and the strengthening of the Central power so that its decrees and mandates may, while doing justice, have more force, and command more respect, than is the case now.

There is still another consideration

more

more direct, if not more
effective, than either, which
may be termed the "popular
cause" — force. This is
regarded by most of the
foreign residents here as the
only sure and speedy agent
for "opening up" China. The
merchants look upon the use
of force as necessary to open
up new resources and avenues
of industry, and a large
proportion of the missionaries
favor it because their tasks
will, by this means, be rendered
less difficult, probably, than
by the slow and laborious
process of moral suasion.

I

I will do the Missionaries the justice to say that their mode of reasoning leads them to honestly believe in the morality and humanity of war to accomplish the best results to this people. They believe that "the earth is the Lord's and the fullness thereof"; that they are simply agents in the hands of the Almighty to effect the christianization and regeneration of the heathen; that the more speedily the work progresses the better it is for the Chinese and the world; that force is absolutely necessary to break down the barriers of ignorance conceit

and

and superstition; and that the use of arms to compel submission is only adding an auxiliary force to weaken to accomplish the great work of the Master. The arguments against such a theory are so obvious that it is not necessary to repeat them here

That the work of reformation by peaceful means will require many years of forbearance on the part of other nations, and patient labor and effort of those to whom the task is committed, is quite certain; but that time, forbearance and labor, will accomplish

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ch must in the nature of things be so. The believers in this other theory assert, with truth, that all foreigners are now residing in China through the influence of forces exerted in former years, and hence nothing, in their opinions, but force will, in the future, break down the barriers of ignorance and superstition which stand in the pathway of progress. It is hardly necessary for me to say that to this theory in its entirety I do not subscribe. Leaving justice and morality quite out of view, and reducing the question to one

of

of policy and expediency
simply. I see so many obstacles
in the way of securing a
permanent advancement by
war — for it really means
nothing else — that I should
hesitate long before counselling
the application of military
force for the purpose of obtaining
further concessions

But with all the forces
which will be brought to bear
against it, I have little hope,
and no real expectation, that
peaceful relations will continue
between China and foreign
nations so that the ameliorating
influences of education will
be

be able to do the work of
regeneration. The slowness
and vascillations of the Central
Government will be likely to
exhaust the patience of other
Nations; and the infractions
of treaty rights by the provincial
authorities and the people,
and the pursuit of the Mercantile
class for additional concessions
will sooner or later cause
a ruptures, which will end
in a foreign war.

In estimating the chances
and counting the probabilities
as to the future it should be
borne in mind that the
manufacturing operatives in

Lowell

some European Countries are
in a measure dependent upon
maintaining and increasing
the markets for manufactures
in India and China. To
try and relieve their suffering
operatives at home, may cause
these Governments to pursue
a course in the attempt to
increase trade which would
not, under other circumstances,
be attempted. Happily no
such consideration can likely
to enter into the policy which
the United States may choose
to pursue towards this or
any other nation.

In addition to all the

other

other difficulties which stand
in the way of the maintenance
of peace and good fellowship
between nations and foreigners
is the "irrepressible conflict"
which is sure to result when
two distinct races and civil-
-izations are brought vis à vis
The Indian wars on the
North American continent
and the experience of the people
of the United States with the
African slavery are painful
illustrations of this truth
The mistake that most
foreign residents make is
in underestimating the value
of Chinese intellect and Chinese
civilization

civilization. It is not
fair to compare this people
with Indians or Negroes, or
to place them on a par with
the inhabitants of India
and the Eastern Archipelago.
The Chinese are superior to most
if not all existing pagan
nations in mental capacity
industry and administrative
power. Although their
education is faulty and really
valueless for the practical
purposes of an enlightened
age, yet their ability to master
difficult studies shows a
a capacity for acquiring
knowledge that compares
favorably

favorably with any people.
Chinese merchants compete
successfully with the foreigner
in all branches of trade, and
occupy, at the present time,
the vantage ground here.
The peasantry are industrious
frugal and painstaking.
Content with gaining such
afford subsistence in the
most inexpensive forms, noted
for their docility, and love of
order. Their isolation, and
ignorance of everything that
pertains to modern science
promotes superstition, and
their belief in the Emperor
being the head of all affairs

1 both

both temporal and spiritual,
leads them to look with distrust
upon all innovations or on
prospect of change. The
great mass of the people have
never seen a foreigner. They
have been taught that the
people of other countries are
a distinct and separate species,
fierce, cruel and rapacious,
capable of committing any
outrage, and ready to practice
any device for purposes of
gain. Unfortunately impartial
history cannot be invoked
to disprove many of the
counts in the indictment against
foreigners. On the other hand

more

much foreigners make little
distinction between Chinese
civilization and barbarism.
In their opinion the Chinese
are an inferior race, whose
rights, privileges or prejudices
are too apt to be disregarded
when gain is hindered thereby.
or when they seem to stand in
the way of the onward march
of what we are pleased to
call our superior civilization.
The same influences are at work
in China that produced a
somewhat noted dictum by
one of the highest judicial offices
of the United States, in which
the assertion was made in

substance

substance if not in words:-
"A Negro has no rights that a
"white man is bound to respect".
And this startling announcement
was approved of, apparently, by
a large minority, if not a
majority, of the people of the
United States. Foreigners
residing here are much too
prone to exhibit by ~~it~~ acts,
if not by words, their belief,
in the doctrine that "a Chinaman
"has no rights that a white
"man is bound to respect"

The present reigning
dynasty is weak and effete,
capable of being overthrown by
a joint movement of the Treaty

Powers

Powers, or even by any one
of the first class powers alone.
If the present Government be
overthrown what then!
What will take its place? No
foreign government would, I
imagine, undertake to conquer
China and hold it as a depen-
dency, nor would such a
course be tamely acquiesced
in by the other treaty nations
if attempted. To divide and
parcel out the territory among
the Western nations would also
be impracticable, for there
would be strife, — the United
States among the number, &
probably, — that would hesitate
before

before accepting territory here
if freely offered, and they would
seriously object to any such
a scheme on the part of others.

So that, whatever may occur
in the future, one thing may,
I think, be safely set down
as certain:— China must
be governed by the Chinese.

If these new men to be
found in the non-official class,
of intelligence, breadth of mind,
vigor of thought, and courage,
capable of and willing to do
better if opportunity were afforded
them, than those now at the
head of affairs, it might
perhaps be policy for foreign
nations

nations, both in their own interest
and for the future welfare of
the Chinese, to favor the bringing
of this new life into the Govern-
ment by aiding in the overthrow
of the present effete dynasty.
But, so far as I am able
to learn there are none to be
found who would be likely to
do better, or even as well, as
the present officials. Those
now at the head of the government
have had the benifit of ten
years experience and direct
contact with the foreign diplo-
matic representations of other
nations, in which time they
have learned much and can

 therefore

therefore better appreciate the
power of the Western nations;
and of the benefits to be
derived by preserving amicable
relations with them than
any men in the Empire.
But with all their advantages
their progress in knowledge
has been slow;— so little, that
in our moments of impatience
the task seems almost hopeless,
of ever being able to accomplish
what all well wishers to this
government and people so
much desire. But when
we calmly consider the
position in which these
men are placed,— foreign
government

governments on the one hand demanding, oftentimes with menace, concessions possible and impossible, and on the other a nation of ignorance superstition and arrogance, that would not only prevent any forward movement, but would, if they could, undo all that has been done in the past — their difficulties and embarrassments appear to call for the exercise of charity and forbearance on the part of other nations. Their difficulties, the people at a distance do not know or appreciate which accounts

in

in some measure; for the hauk
and, in many cases, unjust
criticisms of the press and
people of other nations upon
the high officials here.

In view of all the
difficulties herein detailed
I am of the opinion that
foreign nations, in their
intercourse with this Government
and people, should be governed
a just and firm course, and
at the same time be prepared to
exercise patience and forbearance.
They should insist upon the
due fulfillment of treaty
engagements, and be prepared
to render protection to their

own citizens and subjects whenever the Imperial Government is either unable or unwilling to perform its duty. And, while doing this with vigor and firmness, without unnecessary menace, every effort should be made to increase social and commercial intercourse, as fast as the Government can make its power effective and the country be rendered safe and to the mutual advantage. Should a state of peace continue this is the only feasible and practicable course to introduce reform. If,

the contrary, peaceful
relations be interrupted:
and the foundations of the
Government be shaken by
foreign war, the education
of the officials in the manner
indicated will the better
prepare them to accept, and
profit by, innovations and
radical changes that may,
by possibility, be forced upon
them.

I have the honor to be
Sir,
Your obedient, servant,
Frederick T. Low

Private

DEPARTMENT OF STATE
RECEIVED
APR 4 1871

Peking June 10 1870

My Dear Mr Davis

In my No 46 which accompanies this I have endeavored to place before the Department the true condition of China, so far as I have been able to learn it; but the subject is so large, and, as I know by experience, so difficult to appreciate by people abroad, that in the attempt to give you my ideas I fear the dispatch has been made so long that you will scarcely find time to read it. If you do have the patience to go through with it you will find that I do not see things as my predecessor did - all dark - I see as bright as the most enthusiastic people do. Yours

while I cannot hold out hopes of speedy improvement, yet it is certain that progress is being made which must in the future increase in geometrical proportion as they get lights and are instructed by example. A trade convention, such as would suit the mercantile classes, would result in disaster, unless the Governments would consent to keep a large military and naval force here to compel the observance of treaties, after being made at the mouth of a cannon. This the United States will not do, nor do I believe European Countries will consent to either, if provided they can be made to see their true situation

before they embark in such an
enterprise

The troubles at Pentain have
enabled me to get a pretty clear
view of the inherent difficulties
of the situation, ~~and~~ It has also
brought out plainly the wrongs
which have been and are being
practiced by the French, particularly
on the Chinese. If the Chinese
had the honesty and courage to
make a clear statement of the
injustice done them by foreign
governments, and more particularly
by the French through the Catholic
Missionaries, the whole Civilized
world would raise their hands
in holy horror at it. But
their story will never be told truly
and fairly, and so things will go

on I suppose, until some out-
rage is committed by the people
like the Dientsin affair, which
will furnish the ground for a
further forcible entry into the
interior, and the further inthron-
-ishment of the Government and
people by combelling them, after
being whibbed, to pay the expen
of the whibbing

We are all frozen up in Peking
which makes us feel our isolation
more than ever -

With Kindest remembrance
to yourself and Mrs Davis and a
to your good mother; to the Kindn
of whom I was indebted for mu
pleasant home when I was in Wa
-ington, ~~and~~ which I remember wi
gratitude and pleasure -

Truman
Kentucky
F. F. Low

End Desp

Adv March 29
Ack Apr 18

Mr Pratt

No 117 Two Enclosures

DEPARTMENT OF STATE
MAR 28
RECEIVED

Frederick F. Low

to

Department of State

Peking January 15 1871

Encloses the report of Capt. Kimberly of U S S Benicia with reference to the return of the Missionaries to Tongchow, and copy of a note from the Prefect to Capt Kimberly in which due protection is promised the Missionaries.

Reports a state of quiet in China

FOREIGN Relations '71

No 117 2 Enclosures

Legation of the United States
Peking January 15th 1871

Sir:-

Referring to my
dispatches Nos 29. 31. and 34
in regard to the removal of
the American missionaries
from Tungchow in consequence
of apprehended danger, I
have now the honor to
enclose an extract from
the report of Commander
Rinntuh of the U.S.S "Benicia"
Hon Hamilton Fish which
Secretary of State

which vessel was dispatched by Admiral Rodgers, in response to my suggestion, to convey the Missionaries back to their homes.

You will also find enclosed a translation of a note from the Prefect at Tungchow to Commander Kimberly, in which assurance is given that the local authorities are able to, and will, protect the Missionaries fully in the enjoyment of life and property, and in the peaceable pursuit of their calling

The full report and the papers connected therewith, which

which the Admiral sent me,
are quite voluminous.
Many of the papers do not
seem so important enough
to send, nor is it possible
to have copies of all made
without employing additional
clerical force. If however
any further information
should be wanted, copies
of all the papers can, I
presume, be obtained at
the Navy Department.
In this connection I desire
to say that I have had no
information from this
mission since, except a short
note from one of these papers

that

that they had all safely
reached Tungchow.

Without expressing any
opinion as to the real peril
they were in, or whether there
was or was not cause for
the steps they took, I am
of the opinion that their
removal and the manner
of their return will, on the
whole, result in good.

My thanks are due to
Admiral Rodgers for the prompt
assistance he rendered in
bringing this matter to a
satisfactory conclusion.

I have the honor to be
Sir,
Your obedient Servant
Frederick F. Low

List of Enclosures

No 1 Extract from the Report of Capt Kimberly of U S S Benicia to Admiral Rodgers

No 2 Note from the Prefect at Tongchow to Capt Kimberly

Enclosure A 1
Inclosure No 47

Extract of a report made by Commander Kimberly of the U S S Benicia to Admiral Rodgers, describing his trip from Chefoo to Tungchow, with the American Missionaries on board

Off Chefoo October 22. 1868

× × × × × × × × × × × × × × × × ×

On the 20th inst the translations having been finished, I received on board the American Missionaries, their teachers and servants, also their children, amounting to a total of 24 persons, together with Mr Golbe and servants, whose names are appended to a list appended to this letter marked A, and at 10 A M got underway and stood

over

out of the harbor bound for Tungchow foo, and anchored off that City, at 2.6 PM the same day, and immediately sent an officer ashore to communicate with the Chih-fu (Prefect) and to request an audience. The officer so sent returned and informed me that I would be received at any time. I went ashore immediately, accompanied by several officers of the ship and Mr. Balbo the interpreter and held the audience, being received in the usual way.

Your instructions to me (translated) were read by the interpreter in my presence

to

to the Chin-fee (Prefect) who in
reply said "that there was no
"necessity for the Missionaries
"ever leaving Tungchow-foo;
"that he had received orders
"from the Governor-general of
"the Province to secure and
"protect them, and furthermore
"that he was able to protect
"them in every way, and that
"he was willing and would
"protect them" He requested
that he might be allowed to
retain the instructions read
to him which request I granted,
& I asked him to give me a
letter stating that he was
willing to and would and could
protect the Missionaries, which
letter

letter he sent off to the Chiefs
the next day × × × × × × × ××

After the audience with
the Chiefs (Prefect) it was
late that the Missionaries were
not landed until Friday the
21st inst, when as I had
requested at the interview with
the Chiefs, a messenger was
sent on board of the vessel
to invite them (the Missionaries)
on shore to return to their homes,
which had been carefully cared
for and protected by the Authority
of Tungaloa-for since the Mis-
sionaries had fled. Having
concluded the business successfully
and having safely landed the
Missionaries and their baggage,

I

I got underway at 2.30 P.M.
the same day and arrived at
this anchorage off Chefoo at
4.45 P.M.

The Midshipmen expressed themselves perfectly satisfied with everything that had been done in regard to returning them to their homes, and wished me to wish the Chinese and walk about the City with the officers of the ships in full uniform, which I declined to do, as after the promises offered by the Chinese officials I considered it unnecessary, and the Chinese being perfectly willing and pleased as far as I could judge, that they had returned. Found

Orig

my interviews I came to the conclusion that there never existed any real danger at Tungchow-fu, but the missionaries were frightened by the threats of some Chinese not in authority. Mischievous persons are found in every community, and Tungchow-fu is not free from this infliction. The massacre of Tientsin capped the climax and the missionaries left in consequence.

The missionaries in conversation with me on the passage, mr. b Tungchow-fu complained that their grave yards had been desecrated in tearing down of the tomb-stones &c &c

after

After the interesting business of the audience had been disposed of I took the opportunity of stating this complaint to the Prefect who courteously replied that he would take all means in the future to protect them and to punish any person for any acts of this kind complained of. x x x x x

Memorandum Note from the Prefect Heng of Tungchow to Commander Kimberly of the U.S.S. Benicia stationed at Chefoo.

In the interview held on the 28th inst. between Capt. Kimberly and the Prefect, Captain Kimberly stated that the Foreign missionaries who, apprehensive of violence from the rumors which were circulating and to which they had given ear, had removed from Tungchow, were now, their fears being dissipated, desirous of returning & and as of old taking up their abode in that City. In view of

this

this Captain Kimberly enjoins upon the residents officials their duty of protection according to treaty stipulations

In regard to this interview the Prefect has to remark that, it is the duty of China's officials to afford full protections to the Missionaries of all countries who may be quietly pursuing their calling in China and not to allow them to meet with molestation or interference

His Humble Brother
Ting Kioang salutes Captain Kimberly

Mr Smith
March 29

Ask 22nd Apl

Mr C.A.

Dispatch No. 48 Nine Inclosures

think the view of this case taken by Mr Low is
and merits Legation of United States.
his approbation. Peking. January 20 1871
detention of the claimants vessel, found
ider Frederick F Low
uspicious circum, to Hon. Hamilton Fish
ances, was specially Secretary of State.
gitimate in Civil war & gives no foundation
damages against Subject.
ves Ds Claim of the members of late
P S firm of Howard & Co. of Shanghai,
for damages caused by seizure of
their steamer Hellespont in 1862,
with documents.

The steamer was engaged in tow-
ing salt junks on the Yangtse River
under

under a licence obtained by a native from the Commissioner of the Salt-Department; but her owners, having never notified their own or the Chinese authorities, of the circumstances were liable to the imputation of illegally trading at unopened ports, and suffered by the arrest of the vessel which [illegible] at anchor at Sha-mau-chau, by the Customs officers.

Legation of the United States

Peking, January 2 1871

Sir,

I have the honor to acknowledge receipt of a dispatch from the Department (No: 13, dated July 25. 1870,) with inclosures, relating to a claim against the Chinese Government by members of the late firm of Howard & Co: for losses sustained by them by the detention of their steamer Hellespont in May and June 1862; the particulars of which are stated in a Memorial, dated July 13. 1870, addressed to you by B. A. Wardell and Albert R. Shearer, formerly partners in the firm, - and into the

Hon. Hamilton Fish,

Secretary of State.

&c &c

the facts of which I am requested to inquire and report to you in full.

Soon after the receipt of this dispatch, Mr. Sextus Shearer, attorney for the claimants, came to Peking; and I carefully examined with him all the documents on file in the Legation touching this case. His desire was that I should first bring it before the Chinese Government, which had never been done, in order to ascertain its views upon the questions at issue, and see what action it would take.

Your instructions did not contemplate any action here, except to investigate and report the facts to the Department; nor would I have been willing in any case to make a demand

of.

of this character upon this Government without first ascertaining how far the United States were willing to go in claiming damages for detention of vessels in time of war or rebellion. It seemed to me that, in view of claims which are or may be presented for acts of a similar character during our civil war, great care should be taken in setting up such a precedent. With these thoughts in mind, I declined to make any claim, unless so instructed by the Department.

It appears from the Legation Records that this matter of seizing the steamer Hellespont was first brought to the notice of the U. S. Minister in October 1866, when Mr. Burlingame

Burlingame returned to Shanghai from America; but there is nothing to show why he declined to present the claim to the Peking Authorities, nor any answer to the claimants. It has remained in abeyance to this date, but on receipt of the dispatch before me, I took measures to obtain all the documents bearing on the claim through the Consul-general, with other information he might possess in reference to it.

I now inclose the papers for your information (Inclosures 1..9), and believe that everything of importance is contained in them, and that you have the whole case now before you.

9/

In explanation of some parts of it, we should remember that the whole

length

length of the Yangtse River was, in 1862, a scene of warfare and violence between the Imperial troops and the Taiping rebels; while foreigners and their vessels were constantly passing up and down in conformity to certain Regulations issued in Dec. 1861, which defined the mode of conducting the trade at three ports above Shanghai. Many foreigners had joined both the contending forces, and there was great need of strict adhesion to these Regulations and the stipulations of treaties by all parties; and it was especially to the Custom-house employés that the Imperial officers looked for help in maintaining the new rules.

When, therefore, the Chinese trader named Ho Tsun-fah, to whom Kyau,

the

the Commissioner of the Gabel, had given
5/ the licence (Inc. 5) to employ a steamer
to help him bring salt from Hwai-an (a
town near the Yellow River) down the
Grand Canal to Eching, whence she was
to tow the boats past the rebels at Nan-
king up to Hankow, had made his contract
with Messrs Howard & Co., it would belong
to them to inform the United States' con-
suls at Shanghai and Hankow that they
had entered into this arrangement, and
through them to intimate it to the cus-
tom-houses along the River.

In ignorance of this arrangement,
Mr. Leonard would naturally suppose, as
he implies in his dispatch of June 2d
4/ (Inc. 4), that the Hellespont was violating
the laws, and it was his duty to seize
her

her for further examination. There was then no U. S. Consul at Chinkiang to inquire into the matter, and no other course was open to him, it seems to me, but to send her down to Shanghai. From the letter of Capt. Fillebrown (Inc. 1.) on reporting her arrest, it is plain that he misunderstood the position of affairs and the powers of Mr Leonard, who, after the discovery of a coal dépôt at Shaman-chau, and the house-flag of Howard & Co., and an American ensign in it, had additional reasons for not listening to his explanations.

The correspondence shows that there was no unnecessary detention in Shanghai after the steamer's arrival, nor a denial of the validity of the licence granted to Ho Tsun-fah to employ a

steamer

steamer to tow salt. junks under the control of the Salt Department, and she was released by the Taotai as soon as he had ascertained her character. In his letter to the U. S. Consul of 9th June, he merely repeats what had been reported to him; but having had time to learn the facts of the case. (probably from Ho Tsun-fah) he releases her on the 11th, and in about a fortnight she resumes her towing.

Considering the political state of affairs on the River, and the recent inauguration of the foreign trade and River Regulations guiding it, it seems to me that the responsibility of making known the nature of their charter with Ho Tsun-fah rested entirely with Messrs.

Howard

Howard & Co., and nothing hindered their doing so. In consequence of not putting themselves right with the Customs, they could only blame themselves if they were questioned as to their business; and the Chinese authorities did only what revenue officials in other countries constantly do. The storage of coal at Shaman-chau for the Hellespont was perhaps called for by the nature of her charter, though neither her captain nor owners try to explain this point; but until it was explained, they could not charge the Customs with vexatious interference with their business.

In the complaint presented to you last July, Sect. 5, the complainants state that while the Hellespont was

lawfully

lawfully employed, she was seized at the open port of Sha-man-chau by the Custom-house officers and taken to Shanghai; but they err in stating that this place was an open port on the Yang-tse; and herein lies much of the question, for Chinkiang, Kiukiang and Hankow were the only open ports at this time, every other town along its banks being closed to foreign vessels. They cannot alledge the wording of the licence as making it an open port to their steamer for this particular purpose, for that mentions neither the port, nor the steamer, nor the firm; and Messrs. Howard & Co: had given no notice to either foreign or native officials of the nature of their charter-party

with

with its holder. In no sense, therefore, public or particular, can Sha-man-chau be called an open port; and to have a coal-dépôt there was contrary to the River Regulations; while placing the Pluto to arrest the Hellespont if she anchored at the place, was not beyond the Customs' jurisdiction.

If the Chinese Government be liable for the damages caused by the detention of the Hellespont under the circumstances now explained, it is desirable that particular instructions be sent by the Department as to the grounds for presenting the case after so long an interval.

I am, Sir

Your obedient Servant

Thomas T. Meadows

List of inclosures in dispatch No: dated January 24. 1871.

No 1. Printed and certified copy of Howard & Co:'s letter to Consul-general Seward with documents.

No: 2. Affidavit of J M Milne. Oct. 7. 1870. respecting earnings of Str. Hellespont

No: 3. Letter from Too, the taotai at Shanghai, Dec. 20. 1870. respecting correspondence sent to Consul-general

No: 4. Extracts from I. K. Leonard's letter to Com: of Customs, at Shanghai, giving reasons for seizing the Hellespont

No: 5. Translation of the Licence given to the Hellespont's charterer, allowing him to transport salt in steamers.

No: 6. Translation of letter from native officials near Sha-man-chau, respecting

the

the visits there of the Hellespont, and the coal-dépôt used.

(Copies of the originals of No. 5 & 6)

No. 7. Letter of W. F. H. B. Jenkins to Consul-general, animadverting on the three preceding documents.

No. 8. Affidavit of Francis M Milne Dec 6. 1870, before U. S. Consul-general, respecting the earnings of the Hellespont at the time of seizure, and losses sustained by that act.

No. 9. Letter of G. F. Seward to A. Burlingame, Oct. 3. 1866, when forwarding documents in case.

Inclosure 1

GEORGE F. SEWARD, ESQ.
United States Consul General, Shanghae.

Shanghae, 1st September, 1866.

Sir,

As representatives of the late firm of HOWARD & Co. we take the liberty of again laying before you particulars of our claim, with the correspondence in connexion therewith, against the Chinese Imperial Government, amounting to Fifteen Thousand Taels (Tls. 15,000), with interest to be added to date of payment at one per cent per month, which we are prepared to show is necessary as compensation for the loss we sustained through the unlawful seizure and detention of the steamer "Hellespont" by the Chinese Customs Authorities at Chinkeang, while on a voyage up the river Yangtsze, on the 27th of May, 1862.

We entered a protest against the unlawful seizure of the vessel at the time, and again on the 12th of March, 1863, called your attention to our claim; we now have to request that you will lay the case before His Excellency the Honorable ANSON BURLINGAME, praying that he may be urged to demand from the Imperial Authorities at Pekin an immediate settlement of our claim, which has now being laying over for nearly five years.

If you will call His Excellency's attention to your letter to the Taotai, dated June 11th, 1862, and his answer thereto, we feel quite satisfied that His Excellency will see the justness of our claim, as the Chinese Authorities show by that letter, the "Hellespont" was quietly prosecuting a legitimate business when she was unlawfully seized and detained, thus causing us great loss.

We have the honour to be
Your most humble and obedient servants,
BENJ. A. WARDELL.
ALBERT N. SHEARER.
By their Attorney,
F. MONT MILNE.
FRED. H. B. JENKINS.
Comprising the late firm of HOWARD & Co.

Letter of Captain FILLEUL, *of Str. "Hellespont," at Chinkeang, informing* HOWARD & Co. *of his seizure and detention by the Custom House Authorities at that port.*

Messrs. HOWARD & Co.,

Chinkeang, May 28th, 1862.

Gentlemen,

I have to inform you of the misfortune, in which the "Hellespont" has got into: on May 27th towards evening, I returned at Sha-man-chau after having towed a junk up to Ty-dong, and found the "Pluto" anchored a little astern of the place. The Captain of "Pluto" came on board, and informed me that he had instructions from the Commissioner of Customs to forbid the S. S. "Hellespont" from proceeding up the River. I asked him for his warrant, but he had none. Not knowing exactly what to do, whether to proceed up to Hankow and not mind him, I finally made up my mind to go to Chinkeang and find out the difficulty. On the morning of 28th, I proceeded to Chinkeang and saw Mr. LEONARD, who told me that I was to remain at Hankow until he received instructions from Shanghae, and that at last, he had found out the traffic of the "Hellespont," and that it was time to put a stop to it. I defied him to stop the "Hellespont" without a warrant from the American Consul. He will not give me any information as for the what, or what for he detains her. All he has to say is that it will be settled between the owners and foreign Custom House at Shanghae. I showed him the chop I had, also another I took care to get from the head Mandarin at Eching. He would not even look at them, neither will he tell me upon what grounds the "Hellespont" is detained. All he has to say is, that the Mandarin of that place has given no permission for her to tow, and that he knows all the instructions that has been given, would not acknowledge the chop, and told me that Americans were only trading on the River on sufferage.

Some two days previous, he took Sun-cheong's head man prisoner on board the "Pluto," there he remains at present, also three white men who were discharged from the Brig. He took this Chinaman, because they found an American flag and a foreign jacket in his house; the other three, I cannot find out what they were taken for. I have an old man belonging to Sun-cheong on board, he intends bringing the head Mandarin down to-morrow, and try to settle matters, but I am afraid he can do but little in the matter as LEONARD will hear nothing, until he gets news from Shanghae.

I remain,
Your obedient servant,
(Signed) THOS. JNO. FILLEUL.

P.S.—I had a few high words with Mr. LEONARD regarding his authority; he wanted me to give him River Pass and Arms' Certificate, which I refused: having been once cleared by Custom House, I consider that I have a right to proceed to Hankow. The Chinamen want me to start and not heed them.

(Signed) T. J. F.

Letter addressed to the Commissioner of Customs, Shanghai, on Receipt of Capt FILLEUL'S *Letter to* HOWARD & Co. *of 28th May, informing them of the seizure and detention of the Str. "Hellespont," at Chinkeang.*

Sir,

Shanghae, 2nd June, 1862.

We are informed by Captain FILLEUL, of the steamer "Hellespont," that on the evening of May 27th last, he was boarded by the Captain of the steamer "Pluto," and ordered to return to Chinkeang, where he has since been detained by J. K. LEONARD, Esq., Commissioner of Customs, without being furnished with any reason for said detention.

We now beg to be informed why she is detained by the Customs Authorities at Chinkiang?

We are, Sir,
Your most obedient servants,
(Signed) HOWARD & CO.

To the
Commissioner of Customs, Shanghae.

Letter from J. K. LEONARD, *Esq. Deputy Commissioner of Customs at Chinkeang to Captain Filleul, directing the Str. "Hellespont" to proceed to Shanghae.*

To CAPTAIN FILLEUL,
American Str. "Hellespont." Chinkeang, 4th June, 1862.

Sir,

Having received instructions to send your vessel to Shanghae, I have to request that you will on receipt of this proceed thither without delay, taking charge of the accompanying packet for the Commissioner of Customs.

I am, Sir,
Your obedient servant,
(Signed) JAS. K. LEONARD.
Deputy Commissioner of Customs.

Letter from Captain FILLEUL, *of Str. "Hellespont," at Chinkeang, to* HOWARD & CO., *after receiving the above Letter from Commissioner of Customs at that port.*

Messrs. HOWARD & Co. Chinkeang, June 5th, 1862.

Gentlemen,

I am nearly crazy waiting to hear from you. Here several steamers have come up from Shanghae, and no news. I have received instructions from the Celestial Deputy Commissioner of Customs at Chinkeang to proceed to Shanghae; now that puts me in a fix—arriving in Shanghae without a Port Clearance from Custom House—that would never do. Enclosed you will find a copy of the letter I intend to send him tomorrow, should I not receive instructions from you before that. I have given him my mandarin papers to copy; he wanted to keep them for a day, but would not allow them to be copied only in my presence. The first linguist who copied them could make nothing of the seal, therefore a second linguist was sent on board to copy it, and he seems to be perfectly satisfied; he told me privately that the Customs could not stop us, and that one of the chops was signed by the Viceroy of Tychow, and had power over eighteen provinces, and that I could sue LEONARD for detention.

I have made up my mind not to start from here until I receive orders from you, or that the Celestial shows me a warrant from the U. S. Consul. I cannot make out why you do not write. I see on the papers "Hellespont" at Chinkiang; even had you not received my letters from Messrs. DENT & Co. per "Yangtze," I fully expected some news per "Sir Charles Forbes" or by "Cosmopolite." If any letters should have been mislaid it would be best to send a messenger, or should I have to go to Shanghae, I shall make it night arriving at Woosung, and anchor there, where I might communicate with you. Hoping to hear soon from you,

I remain,
Your obedient servant,
(Signed) THOS. JNO. FILLEUL.

Letter from Captain FILLEUL *to* J. K. LEONARD, *Esq. Deputy Commissioner of Customs at Chinkeang, in reply to his of 4th of June, 1862, ordering the "Hellespont" to Shanghae.*

J. R. LEONARD, Esq.,
Deputy Commissioner of Customs. Chinkeang, June 5th, 1862.

Sir,

I received a letter from you, stating that you had received instructions to send the "Hellespont" down to Shanghae, I request that you should produce those instructions or a warrant from the U. S. Consul, authorizing me to proceed to Shanghae; until then, I await instructions from Messrs. HOWARD & Co. owners of "Hellespont." Having been cleared from the Custom House at Chinkiang, I am willing to proceed to my port of destination. If you still forbid the Steamer from proceeding on her voyage, I still hold you responsible for the detention of the "Hellespont."

I remain, yours faithfully,
(Signed) THOS. JOHN FILLEUL.

No further Correspondence passed with regard to the matter until the Str. "Hellespont" arrived in Shanghae, on 7th June, by instruction of J. K. LEONARD, Esq., when the following Letter was sent to the Commissioner of Customs at Shanghae by HOWARD & Co.

Sir, Shanghae, June 7th, 1862.

We beg to report the arrival of the steamer "Hellespont" from Chinkeang, under orders of J. K. LEONARD, Esq., Deputy Commissioner of Customs at that port. A copy of his Letter to the Captain we beg to enclose.

We are, Sir,
Your most obedient servants,
(Signed) HOWARD & CO.

To the
Commissioner of Customs, Shanghae.

Letter addressed by HOWARD & CO. *to* GEORGE F. SEWARD, *Esq., United States Consul, informing him of the seizure of the steamer "Hellespont," with particulars of same; also, protesting against the seizure of the vessel, and petitioning him to request that indemnity be paid to them for loss through detention.*

G. F. SEWARD, Esq.
U. S. Consul. Shanghae, June 9th, 1862.

Sir,

We beg to inform you that on the 27th of May last the steamer "Hellespont," on coming to an anchor for the night off Sha-man-chau, on her way up the Yangtsze river, was boarded by a Customs officer, who ordered her to return to Chinkeang. On the 28th she returned to Chinkeang, and the Deputy Commissioner of Customs at that port ordered her to remain there until he gave his permission to leave, which she did. On the Captain demanding to know why he was detained, the Commissioner of Customs would give no satisfactory answer, but merely demanded the "Hellespont's" River Pass and Arms Certificate, which the Captain declined

to give up unless he should show authority from the U. S. Consul for making such demand. On the evening of June 5th the Deputy Commissioner of Customs gave the Captain written instructions to proceed to Shanghae, and she arrived here on the 7th instant. We duly reported her arrival to the Commissioner of Customs, and desiring to know for what offence she had been ordered back to Chinkiang, and sent to Shanghae, but up to date we have received no satisfactory reply.

We now therefore beg to protest against the unlawful detention of the steamer "Hellespont" by the representatives of the Imperial Government, and have to request that you claim from them the sum of Twelve Thousand Taels of Shanghae Sycee, damages accruing to us from such—viz. from the 27th May to the 7th June—as we are sufferers to that amount which we are prepared to prove. We also have to request that the "Hellespont" be allowed to continue her voyage as intended when she was duly cleared from here at the Imperial Custom House on the 23rd May last.

We are, Sir,
Your most obedient servants,
(Signed) HOWARD & CO.

From the Toutai Wu *at Shanghae to the United States Consul.*

大清欽命二品頂戴江南海關蘇松太道兼署江蘇布政使司布政使吳　爲

照會事接准

新關代辦總稅務司費　函開准

鎮關副稅務司林　文開查有美商彙源行輪船名赫勒司波勒得在長江未開關之處沙漫洲地方私行貿易等語函致查辦前來查長江章程所載各條鎮江以上只有漢口九江兩口准其貿易今該商在於長江未准通商之地方私行貿易實屬故違定章本司擬將該船長江執照撤回不准該船在長江貿易以符定章除由關將該船長江執照吊銷外合行照會並將英文船名移送爲此照會

貴領事請煩查照飭知該商遵照仍希　示覆施行須至照會者

計移送　英文船名一紙

右　照　會

大亞美理駕合衆國欽命駐劄上海管理領事事務西

同治元年五月十三日

Translation of the above.

The Taotai would inform the U. S. Consul, that he has received a Despatch from Mr. FitzRoy, Acting Inspector General of Customs, in which he states that he has received a Despatch from the Assistant Commissioner of Customs at Chinkiang (Ling 林 Leonard), stating that the steamer "Hellespont" belonging to Howard & Co. American Merchants, had been engaged in clandestinely trading at a place not open for foreign trade, called Sha-man-chau 沙漫洲, and requesting that the Taotai should examine and deal with said vessel accordingly.

The Taotai on investigation finds that by the Regulations for trade on the Yangtsze River, there are open to trade only the Ports of Kewkiang and Hankow above Chinkiang. Now the trading clandestinely of said Merchants at any port on the River, not open to Commercial intercourse (or trade) is a breach of the Commercial Regulations, and the Taotai decides that said vessel's River Pass should be taken away, and she be not permitted to trade upon the River Yangtsze, which is in accordance with the Regulations. Besides having the Customs take the said vessel's River Pass from her and cancel it, it is proper that the Taotai should write to the U. S. Consul, sending the vessel's name in English ("Hellespont.")

Wherefore the Taotai sends this Despatch to the Consul, begging him to order said Hong to govern themselves accordingly; and the Taotai hopes for a reply from the Consul. Wherefore this necessary despatch.

1st Year of Tung-che, 5th month, 13th—June 9th, 1862.

True Translation.

(Signed) B. JENKINS,
Interpreter to U. S. Consulate General.

U. S. Consulate, Shanghae, June 11th, 1862.

To His Excellency Woo, Intendant of Circuit, &c.. &c.

Sir,

I have the honor to inform you that I have acquainted Messrs. HOWARD & Co. owners of the steamer "Hellespont," with the contents of your communication in reference to their vessel.

They deny having traded at Sha-man-chau, or having an establishment there for that or any other purpose. The place had been a rendezvous for Salt Junks, which they have been in the habit of towing to Hankow, having permits for that purpose signed by the Governor-General of that province.

You will there see that they have not been engaged in trading at an unopened port, or in any way defrauding the revenues.

They demand, if you do not deem this explanation sufficient, that evidence be brought to prove these charges. I suggest therefore, if you are not satisfied with this explanation, that witnesses be summoned to give evidence in the matter, that the case may be decided. Meanwhile, as the house is perfectly safe, and it is a great loss to have the steamer doing no business, it will be best to allow her to proceed up the river. If it prove to be true that she has been wrongly engaged, the River Pass can be withdrawn, while if it be not true there will be less loss to be sustained.

I have the honor to be, Sir,
Your obedient Servant,
(Signed) GEO. F. SEWARD,
U. S. Consul.

True Translation.
(Signed) B. JENKINS,
U. S. Consulate Interpreter.

U. S. CONSULAR SEAL.

Despatch from the Taotai of Shanghae, WU, *to* G. F. SEWARD, *Esq., U. S. Consul, in answer to his Despatch of* 11*th June*, 1862.

WU, the Taotai, acknowledges the receipt of the Consul's despatch, dated June the 11th, 1862, in reference to Messrs. HOWARD & Co.'s steamer the "Hellespont," and having given attention to the contents of said despatch, the Taotai finds, upon investigation, that the steamer belonging to the said hong has never prior to this occasion done anything contrary to the regulations of the Treaty, and as the Consul requests that same steamer may be temporarily permitted to navigate the Yangtsze-kiang in regard to this vessel's having been trading at places on the river not open to trade, the Taotai will make further enquiry, and should he find that said vessel has really been so engaged, and have substantial evidence thereof, then the River Pass of this vessel will be taken from her, and she will not be allowed to trade on the river.

Wherefore the Taotai makes this reply to the Consul, requesting him to inform said hong.

Toong-che, 1st year, 5th month, 18th day=June 16th, 1862.

Chinese version of the above.

大清欽命二品頂戴江南海關蘇松太道兼署江蘇布政使司布政使吳　爲

照復事准　貴領事照復內開照得本月十三日接准來文內開有美國彙源洋行輪船名赫勒司波勒得在長江未開關之處沙漫州地方私行貿易等語又開由關將該船長江執照吊銷等因本領事已飭知該商據該商供該船未曾在沙漫州地方貿易該處并無房屋可貿易沙漫州地方則有貴國鹽船聚泊鹽船至漢口有貴國督撫文憑使輪船拉去如此貴司可見其該船未曾在未開關之處貿易亦未倫漏若貴司思該商所稟不足爲憑貴司應將憑據爲証等語本領事查該商所犯章程未有何憑據如何可定犯法之罪該行爲留船之事大爲虧本該行有所靠託貴司可准該船前往長江若實犯長江章程以後可吊銷長江執照如此該行所虧本之數不至再大仍希即速示覆等因前來查該行輪船於此次以前尚無違章之事姑如　貴領事所請暫准該輪船前往長江至該輪船在未開關之處貿易一節本司尚在訪查一俟查出該輪船實有其事且確有憑據則仍將該輪船長江執照吊銷不准前往長江貿易合行照覆　貴領事請煩轉諭該遵照可也須至照復者

右照覆

大亞美理駕合衆國欽命駐劄上海管理領事事務北

同治元年五月十八日

Letter from Deputy U. S. Consul, Shanghae in reply to Capt. GRENNAN'S *of steamer "Hellespont," requesting that the steamer might leave Shanghae and proceed on her voyage, without waiting for further instructions.*

CAPTAIN GRENNAN.

Dear Sir,

If the steamer "Hellespont" leaves this Port, this evening, without further cognisance from GEO. F. SEWARD, U. S. Consul at this Port, he will not hold himself bound in any way to intercede in the case which has caused your return from Chinkiang on clearance from this Port, dated May 23rd, 1862.

Yours respectfully,
(Signed) GEO. S. PORTER,
D. Consul for the United States at this Port.

Shanghae, June 12th, 1862.

Letter received from Commissioner of Customs, Shanghae, releasing the steamer "Hellespont," pending further Correspondence on the subject.

Shanghae, 12th June, 1862.

Gentlemen,

With reference to your letter of the 7th instant, reporting the arrival in this Port of the Str. "Hellespont," I have now received a communication from the Superintendent of Customs, stating that His Excellency has agreed with the United States Consul, at Shanghae, not to detain the vessel pending further correspondence on the subject of the complaint made against her by the Customs at Chinkiang.

I am, Gentlemen,
Your obedient Servant,
(Signed) G. H. FITZROY,
Commissioner of Customs.

MESSRS. HOWARD & CO.

Letter addressed by HOWARD & CO. *to* GEORGE F. SEWARD, *Esq., U. S. Consul, claiming additional compensation in consequence of further detention of the steamer "Hellespont."*

GEORGE F. SEWARD, ESQ., U. S. Consul. Shanghae, 14th June, 1862.

Dear Sir,

In regard to our complaint against the Imperial Government for unlawful detention of the steamer "Hellespont," we now beg to inform you that on the 12th of June, we received from the Commissioner of Customs, a letter informing us that she might proceed on her voyage; a copy of said letter we herein enclose.

The "Hellespont" was seized on the 27th of May last, about thirty five miles above Chinkiang, on the 12th, she was liberated at Shanghae, and as it will take her two days to get to the place where she was seized, we now beg to claim for an additional amount of damage, resulting to us by a detention of five days in excess of the amount claimed in our letter of the 9th instant last of Three Thousand Taels, Shanghae Sycee.

We enclose a letter to H. E. the Superintendent of Customs, which we have to request that you will forward to him.

We are, Sir,
Your obedient Servants,
(Signed) HOWARD & CO.

Letter addressed by HOWARD & CO. *to H. E. the Superintendent of Customs enclosed to* G. F. SEWARD, *Esq. as mentioned in* HOWARD & CO'S *letter to him of 14th June, as above.*

To H. Excellency Woo,
Superintendent of Customs, &c. &c.

Sir,

On the 23rd of May last, our steamer the "Hellespont" was legally cleared at the Custom House for Hankow, proceeding up the River Yangtsze, and duly cleared at the Custom House, Chinkiang. On the evening of the 27th May, as she was coming to anchor at a place called Sha-man-chau, she was boarded by an officer of the Imperial Customs, and ordered to return to Chinkiang, so on the morning of the 28th, she returned to Chinkiang, and the Commissioner of Customs ordered her to remain at Chinkiang, until he gave her permission to leave, which she did. On the 5th instant, the Commissioner of Customs ordered her to return to Shanghae, and she arrived here on the 7th. We immediately reported her to the Commissioner of Customs, and requested to know why she was detained, he gave no satisfactory answer, and on the 12th instant, he gave her permission to continue her voyage.

Thus the steamer has been detained sixteen days, besides two days that it will take her to return to the place where she was seized, and we are sufferers to the extent of Fifteen Thousand Taels Shanghae Sycee, by this detention, which we are prepared to prove.

Your Excellency in a communication to the U. S. Consul, accuses the "Hellespont" of trading at an unopened Port on the Yangtsze. In answer to this, we have only to state, that the "Hellespont" has never at any time either taken in or discharged any cargo at Sha-man-chau; she has towed junks from Sha-man-chau, so have other foreign steamers of which your Excellency is well aware, and no notice has been taken of them, how then can the "Hellespont" be liable to seizure and the others go free, thus therefore she could not have been violating any rule or regulation, and ought not to have been seized. We, therefore, now have to request that your Excellency will hand over to us the sum of Fifteen Thousand Taels of Shanghae Sycee, to reimburse us for what we have lost by the detention of our steamer "Hellespont" by your officials at Chinkiang. We feel satisfied that your Excellency on carefully examining this affair will see the justness of our claim, and cause the money to be paid us without delay.

In regard to the establishment at Sha-man-chau, where one of our House flags was found, we beg to inform you that we have nothing whatsoever to do with it, and if any Chinaman there has been using our House flag, it is without our knowledge or consent, and we have to request that you will punish him for doing so.

Anxiously awaiting your reply.

We remain, Sir,
Your obedient Servants,
(Signed) HOWARD & CO.

COPIES OF STATEMENTS.

Made at the United States Consulate General, and certified to before GEO. S. PORTER, *Deputy U. S. Consul, Shanghae, by the Chief Officer and Engineers of the steamer "Hellespont," at the time of her seizure.*

On the 27th day of May, 1862, the American steamer "Hellespont," on coming to anchor for the night off San-man-chau, on her voyage up the Yangtsze river, was boarded by a Customs officer, who ordered her to return to Chinkiang. On the 28th she returned to Chinkiang, and the Deputy Commissioner of Customs at that port ordered her to remain there until he gave her permission to leave, which she did. On the Captain demanding to know why he was detained, the Commissioner of Customs would give no satisfactory answer, but merely demanded the steamer's River Pass and Arms Certificate, which the Captain declined to give up, unless he should show authority from the U. S. Consul for making such demand. On the evening of June 5th the Deputy Commissioner of Customs gave the Captain written instructions to proceed to Shanghae, where she arrived on the 7th June. On the 12th June the steamer was released, and it would take her at least two days to get back to the point on the river at which she was seized. The steamer was therefore detained from 27th May, 1862, to the 14th June, 1862.

I do hereby certify that the "Hellespont" cleared from Shanghae on the 23rd May, 1862, on a voyage up the Yangtsze, and during that voyage I was acting in the capacity of chief officer of the said steamer, and I do hereby certify that the foregoing statement is correct in every particular. And I do further certify that neither the steamer "Hellespont," or any of the employés on board of her had been engaged in any traffic whatsoever contrary to the river regulations, and as authorized by the Custom House Authorities. I further certify that I was employed over a year as chief officer on board the "Hellespont," and during that time I do not know that the said steamer ever infringed the Custom House rules.

(Signed) GEO. R. STEVENS,
Chief Officer S.S. "Cosmopolite."

CONSULAR STAMP.

True Signature,
(Signed) GEO. S. PORTER,
Deputy Consul.

I do hereby certify that the steamer "Hellespont" cleared from Shanghae on the 23rd May, 1862, on a voyage up the Yangtsze, and during that voyage I was acting in the capacity of second engineer of said steamer, and I do hereby certify that the foregoing statement is correct in every particular. And I do hereby further certify that neither the steamer "Hellespont," or any of the employés on board of her had been engaged in any traffic whatsoever contrary to the river regulations, and as authorized by the Custom House Authorities. I further certify that I was employed several months as second engineer on board the "Hellespont," and during that time I do not know that the said steamer ever infringed the Custom House rules

(Signed) FRANK GRENNAN.

Sworn and subscribed to before me, this 23rd day of May, 1863.

(Signed) GEO. S. PORTER,
D. U. S. Consul.

I do hereby certify that the "Hellespont" cleared from Shanghae on the 23rd May, 1862, on a voyage up the Yangtsze, and during that voyage I was acting in the capacity of third engineer of said steamer, and I do hereby certify that the foregoing statement is correct in every particular. And I do further certify that neither the steamer "Hellespont," or any of the employés on board of her had been engaged in any traffic whatsoever contrary to the river regulations, and as authorized by the Custom House Authorities. I further certify that I was employed several months as third engineer on board the "Hellespont," and during that time I do not know that the said steamer ever infringed the Custom House regulations.

(Signed) JOSEPH BRYAN.

Sworn and subscribed to before me this 23rd day of May, 1863.

(Signed) GEO. S. PORTER,
D. U. S. Consul.

Letter addressed to Captain H. S. WAKEMAN, *Commanding H. I. M. Revenue steamer "Pluto," who seized the Str. "Hellespont," requiring his answer to several questions regarding the seizure.*

CAPTAIN WAKEMAN,
H. I. M. Revenue steamer "Pluto."

Shanghae, April 29th, 1863.

Dear Sir,

On the 27th of May, 1862, the steamer "Hellespont" was seized on the Yangtsze River, at or near a place called San-man-chau, by your orders and sent from that place to Chinkiang, from whence she was ordered to Shanghae, being all this time under seizure. When her arrival here was reported to Mr. FITZROY, Commissioner at this Port, he refused to have anything to do with her, allowing her to return to her former employment on the River, without preferring any charges whatever against her. His Excellency the Taotai of Shanghae in a communication to the U. S. Consul, in reply to a letter from us, charges the steamer with having traded at an unopened port on the River Yangtsze. This charge we denied and entered a claim on the Chinese Government for damages sustained by the steamer and owners by the illegal, and unjustifiable detention of the steamer. The Chinese authorities here being unable to prove their charges against the steamer endeavour to shirk the responsibility of the actions of their employés on the river, and decline paying us the amount of our claim, on the grounds that the place where the seizure occurred was out of the limits of their jurisdiction. We then referred the whole matter to the higher authorities at Peking, and are now informed that if we can prove that the "Hellespont" was *not* trading in an unauthorized manner, our claim will be adjusted. Although this is throwing the burden of proof on the wrong side, we are still willing to submit to these terms for the sake of getting the matter settled.

Having recalled the facts of the case to your mind, we would ask of you, as having been at the time named (May 27th, 1862) Commander of the steamer "Pluto," which vessel was then the only one particularly deputed to watch that portion of the river, and guard against illegal traffic, leaving you therefore almost the only Customs official, who could possibly be aware of anything illegal having been done by the "Hellespont," the following questions, viz:—

1st. Whether you know of the steamer "Hellespont," having on the voyage during which she was seized, been engaged in trading on the river Yangtsze at any unauthorized port?

2nd. Whether you know of her having committed any illegal acts during that voyage, or if not, having at all times conformed to the existing regulations?

3rd. Whether she was seized and detained on account of any acts you saw her commit, or could proves he had committed, or whether it was because mere suspicions were entertained against her by the Chinkiang officials?

By sending us a reply in writing to these questions and exculpating the Steamer, as far as you justly can, from the charges made against her, you will greatly oblige.

Yours faithfully,
(Signed) HOWARD & CO.

Letter received from Captain WAKEMAN *of H. I. M. Str. "Pluto," in reply to* HOWARD & Co.'s *of 29th April, as above, confirming the fact that the Str. "Hellespont" was seized and detained on mere suspicion.*

MESSRS. HOWARD & Co. Shanghae, May 24th, 1863.

Gentlemen,

In reply to your letter received and dated April 29th, 1863, and in answer to your first question, I beg to inform you that I was not aware of the S. S. "Hellespont" having on the voyage, during which she was seized, been engaged in trading on the River Yangtsze at any unauthorized ports.

In reply to your second question, I was not aware of her having committed any illegal act during that voyage, or of not having at all times conformed to the existing regulations.

In reply to your third question.—The S. S. "Hellespont" was not seized, and detained on account of any acts that I saw her commit, and I believe that she was seized on account of mere suspicions entertained against her by the Chinkiang officials.

I would also add, that at that time I was the only person connected with the Customs, deputed to watch that part of the River to prevent illegal traffic, and I never had reason, before or after the seizure, to suspect the "Hellespont" as being engaged in any illegal trade; my instructions were simply to seize her, should she anchor anywhere between Sha-man-chow and Etching, or any way near to either places. On the 27th of May, 1862, just as it was getting dark she anchored in the river off Sha-man-chow, and I then in virtue of my instructions, seized her, but for what reason I am not aware. Capt. THOMAS FILLEUL, the Commander of the "Hellespont" offered to produce his papers, and to assist me in searching the ship for any illegal cargo. At the time she anchored she was bound down the River.

I am, Gentlemen,
Your obedient Servant,
(Signed) H. S. WAKEMAN.

MESSRS. HOWARD & CO.
Shanghae.

Letter received from GEO. S. PORTER, *Deputy U. S. Consul, Shanghae, enclosing copy of Despatch from H. E. the Superintendent of Customs.*

Messrs. HOWARD & Co., Shanghae, U. S. Consulate, Shanghae, 16th June, 1862.

Dear Sirs,

Enclosed, please find copy of communication received from the Taotai, in reference to the detention of the steamer "Hellespont." By the same you will observe it is requisite to delay the presentation of your claim for damages (per letter received at this Consulate on the 14th instant) until the return of said steamer, or a sufficient length of time is allowed for the authorities to make enquiry in the matter.

I remain,
Your obedient Servant,
(Signed) GEO. S. PORTER,
Deputy U. S. Consul.

Copy of Despatch from His Excellency WOO, *Superintendent of Customs, in answer to* G. F. SEWARD'S *Despatch of 11th June,* 1862.

To GEO. S. PORTER, ESQ.
U. S. Deputy Consul.

Woo the Taotai acknowledges receipt of the American Consul's reply to his letter in regard to the Steamer "Hellespont."

As the Taotai from this does not find that the said Steamer has transgressed the Regulations, therefore according to the Consul's request, the said vessel is permitted temporarily to proceed up the River Yangtsze. As to said Steamer's having traded at ports not open to trade, the Taotai will make the necessary enquiry, and if he finds that there really is evidenoe, then he will have to take away and cancel her River Pass, and not permit her to trade on the River; and he therefore will trouble the Consul to inform said Hong accordingly.

5 month, 18th day. June 14th, 1862.

Letter addressed by HOWARD & Co. *to* GEORGE F. SEWARD, *Esq., U. S. Consul, enclosing their Claim, duly made out, about ten months after the seizure of steamer "Hellespont."*

G. F. SEWARD, ESQ., U. S. Consul. Shanghae, 12th March, 1863.

Sir,

Referring to our letters under dates June 9th and 14th, 1862, regarding a claim against the Chinese Government, for Taels 15,000 Shanghae Sycee, for damages arising from unlawful seizure and detention of Str. "Hellespont," we now beg to enclose our claim duly made out, and have to ask of you to take the necessary measures for immediate collection of same.

Nearly ten months have now elapsed since this seizure was made, and we cannot understand, why our just claim should not be satisfied, especially as the Chinese Authorities at this port acknowledged, by allowing the vessel to leave Shanghae without making any charge against her, that the Imperial Custom's Authorities on the Yangtsze River had acted wrongly and in an unwarranted manner.

We now claim that in addition to the original amount of Taels 15,000, we are entitled to a further amount of one per cent yer month, interest thereon from 14th day of June, 1862, until the payment shall be made to us.

We would ask of you, your kind and earnest attention to this matter, as we are anxious to close up all our accounts with Str. "Hellespont," and should it be necessary to forward our claim to His Excellency the Hon. Mr. BURLINGAME, we request that the same shall be done without delay.

We are,
Your obedient Servants,
(Signed) HOWARD & CO.

Memo. of Claim, inclosed in above Letter to G. F. SEWARD, *Esq.*

CHINESE GOVERNMENT

To STEAMER "HELLESPONT" AND OWNERS. *Dr.*

To loss of time and business, and expenses of steamer, arising from the seizure of said vessel on the 27th day of May, 1862, thirty miles from Chinkeang, by the Custom House Authorities, when on a lawful voyage and pursuing a legitimate and authorized business, said vessel having been ordered by them to Shanghae, at which port the Customs Authorities liberated her on the 12th day of June, 1862, without making any charge against her, and acknowledging that she had been wrongly seized and unlawfully detained.

Therefore claimed, 16 days detention and (2) days necessary to place her at same point where seized: in all 18 days, besides consumption of fuel and loss of business, amounting to Shanghae Sycee .....Taels. 15,000

Besides which we claim Interest on above amount from 16th June, 1862, to date, at which payment shall be made us at the rate of one per cent per month.

(Signed) HOWARD & CO.

Shanghai, 12th March, 1863.

Consulate Seneral of United States
Shanghae, April 16, 1868

I certify that the printed matter on the foregoing Eight pages is an exact copy of the original documents on file in this Office

Witness my hand and the seal of the Consulate Seneral

Geo. F. Seward
United States Consul

HOWARD & CO'S

CLAIM

Against the Imperial Government of China,

ON ACCOUNT OF
THE UNLAWFUL SEIZURE AND DETENTION OF THE

STEAMER "HELLESPONT,"

BY THE

CUSTOMS AUTHORITIES AT CHINKEANG,

WHILST ON

A VOYAGE UP THE YANGTSZE RIVER,

ON

27th May, 1862.

Shanghae, September 1st, 1866.

Legation of the United States.

Peking. January 24. 1871

I hereby certify that the accompanying documents numbered 2 to 9, are correct copies of the originals of Nos 2 and 8, and of the certified copies of all the others, now on file in the archives of this Legation; and that they have been compared carefully.

S Wells Williams

Secretary of

United States Legation

Inclosure 2

Howard & Co., Claimants,
against
The Imperial Government of China.

City of Shanghai, S.S.

Francis M. Milne of said city, being duly sworn, says, That during the months of May and June 1862, he resided in the city of Shanghai, and was in the employ of the firm of Howard & Co., merchants and shippers of said city, as a clerk, and that from the nature of such employment he had full knowledge of the business and earnings of a steamer owned by them, called the Hellespont, - during said month of May 1862, prior to her seizure by the Custom-house - authorities; and during the said month

of

Inclosure 2

Howard & Co., Claimants,

against

The Imperial Government of China.

City of Shanghai. S.S.

Francis M Milne of said city, being duly sworn, says, That during the months of May and June 1862, he resided in the city of Shanghai, and was in the employ of the firm of Howard & Co., merchants and shippers of said city, as a clerk, and that from the nature of such employment he had full knowledge of the business and earnings of a steamer owned by them, called the Hellespont, - during said month of May 1862, prior to her seizure by the Custom-house - authorities; and during the said month

of

of June 1862, subsequent to her release from such seizure; and from his actual knowledge, he believes that the said firm of Howard & Co. suffered actual - damage in consequence of the seizure of said steamer Kellerhout on the 27th day of May 1862, and her detention by said custom-house authorities, up to and including the 12th day of June ad 1862, to the amount of Fifteen Thousand taels - Shanghai sycee; and that had said steamer not have been seized, her net earnings during the said time of her detention from business would have been fully the before-named sum of Fifteen Thousand taels - Shanghai sycee.

(signed) F. Mont Milne

U. S.

United States Consulate General,

Shanghai, Oct 7. 1870

Subscribed and sworn to before me

this 7th day of October 1870

(signed) B R Lewis

U.S.

Deputy Consul. general

Inclosure 3

No. 2246

Too Tsung-ying, the Taotai, acknowledges receipt of the Consul-General's dispatch of the 14th day of intercalary 10th month (Dec. 6th 1870) in regard to the case of the steamer Hellespont.

The Taotai, on receipt of the same, wrote to Mr Dick, the Commissioner of Customs, and he made reply, stating, That he had already taken the copies of the original foreign letter, written on this case by Mr Leonard, ass't Commissioner of Customs at Chinkiang, and of the Pass issued by the Salt Commissioner Kyau, and a summary of the case, and sent them to the Consul General of the United States.

The

The Taotai therefore finds it to be proper to reply to the Consul General's dispatch, therefore this in reply

Tungchi, 9th year, intercalary 10th moon 28th day. (Dec 20. 1870)

Inclosure 3.

Extracts from a dispatch written by Mr. Leonard, Deputy Commissioner of Customs at Chinkiang, to the Commis.r of Customs at Shanghai, June 2. 1862.

"Having learned from various "sources, that there was a foreign establish- "ment on shore near Eching, whither a foreign "steamer was in the habit of resorting to tow "junks laden with salt past Nankin, I, on "the 25th ult., proceeded thither in the str. "Pluto, and at Sah-man-chow, about 3 miles "above Eching, found large stores and fuel "in an establishment, evidently foreign by "its arrangement, and by there being a "flagstaff rigged in the foreign way. In the "house I found clothes and property be- "longing to a European, an American

"engign,

"ensign, and Messrs Howard & Co:'s private
"flag. From papers found in the house,
"I learned that the str. Hellespont was to
"return shortly to tow a junk; so I left
"the Pluto there to seize her in case she
"might anchor there.

"On the evening of the 27th, the
"Hellespont anchored at Sah-man-chow,
"and was instantly ordered down here
"by the captain of the Pluto, and arrived
"at Chinkiang on the morning of the
"28th. I find that the captain of the
"Hellespont has a license from the
"Salt Commissioner to tow junks; but
"I am not aware that it is in the power
"of any local mandarin to empower a
"vessel flying an American flag to break
"both the 14th article of the American
"treaty

"treaty and the Regulations for Trade on the
"River Yangtse.

"You will observe from the state-
"ment of the mandarin at Sah-man-chow,
"that the establishment on shore there
"belongs to a foreign House, whose str.
"regularly resorts thither for purposes
"of trade and supplies of fuel. In con-
"firmation of this I found Messrs Howard
"& Co's house-flag and an American ensign.
"The same Firm has an establishment at
Ja-fung, a place about 60 miles above Wuhu.

* * * * *

"The following dates of the Hellespont's
"passing Nankin with junks in tow, are
obtained from H.M. gunboat Banterer.

"March 25. - 2 junks, very large, like those from Shanliang.
" " 27 - 1 junk
" " 31 - 2 "April

"April 4 - 2 junks

" " 15 1 American barque

" May 25 1 junk

"I trust the documents herewith
"may be found sufficient to convict the
"steamer of being engaged in a traffic
"entirely contrary to the British Regula-
"tions of Trade on the Yangtse, and that
"her River Pass may be withdrawn.

"I am, &c &c

(signed) "Jas K Leonard

"Dep. Com. of Customs

True Extract

(signed) T. Dick

Commissioner of Customs

Shanghai, December 12. 1870

Summary endorsed by Mr Leonard

of contents of Licence

9moon 2d day 27th

From — Chü, Salt Commissioner

To — Woo Chunfat, Chinese Merchant.

States that Woo Chunfat has a proper licence from the Governor of the Two Hoo and the Two Kiang provinces to engage an American steamer to tow salt junks; that this paper is to be presented at Custom-houses and barriers. That he has informed the — Chinkiang taotai

True Copy — (signed) J. Dick

Commissioner of Customs.

Shanghai. Dec. 12. 1870

I certify that these 4 pages are a correct copy of the documents sent in to the

U.

U. S. Consulate General at Shanghai,
Dec. 12. 1870, in relation to the Hellespont
case.

Copies of the two Chinese docu-
ments sent in are appended.

(signed) B. Jenkins
Interpreter to U. S. Consulate
General at Shanghai

December 13. 1870

Translation of the Licence referred to by W Leonard.

Kijau, an officer of the second rank, appoints a merchant, wherefore he issues a protective pass, in the matter of transport:

Having in view that the Governor-general of the Two Hoo provinces (Hunan and Hupeh) had memorialized the Emperor, and that the Imperial permission had been given to Kwan, the said Gov-gen'l, to try how the salt of Nwai-an-fu might be transported by merchants from Nwai-an-fu to Tsoo (i.e. Hunan and Hupeh); and that now a merchant named Ho Tsüenfah has brought from Hunan and Hupeh a licencee, and come to Nwai-an-fu to buy salt, and at Nwai-an-fu to employ a steamer to tow said salt on the journey; and that information thereof has been laid before the Gov. Gen'ls of Hunan and Hupeh and of Kiangnan and Kiangsi;

and

and that information has further been laid before the Taotai of Chinkiang, salt commissioner there, whose permit is on record; and further that the said Merchant has hired an American steamer, and asks that a permit may be granted to said steamer; I ought, - therefore to grant said Pass:

Therefore this pass is granted to the said Merchant Ho Tsün-fah, so that holding the same, he may proceed to convey such salt as afore-said, and in passing all barriers along the shores of the Yangtsz' kiang, the presentation of this pass for verification will entitle the salt vessels towed as aforesaid to pass said barriers, and they are not to be detained or hindered on their way. Therefore this pass is granted.

The foregoing Pass is granted to the merchant Ho Tsünfah

Tungchi. 1st year. 2d moon. 27th day (April 6. 1862)

True Translation
B. Jenkins. Interpreter
Shanghai. Dec. 13. 1870

Inclosure 6

True Translation of the document sent in by W Dick, Dec 12. 1870

B. Jenkins. Interpreter

Last month, 27th day, I was on board a Chinese Steamer, and went to Sha-man-chow; and on searching and making inquiry, I found two Chinese of the place, one named Chun, the other named Liang; they said, there was at that place, a hong called An-shun-lung, which was really the hong of Americans, and that it was customary for an American flag to be hoisted there, and that there was an American in the hong attending to the business. The provision of coals, wood, and such things, were for the use of the Steamer Hellespont, which vessel was in the habit of calling at Sha-man-chow to tow illegitimate traders

in

in salt, so that they went above to sell their salt. Now the foreigner of the hong had gone away in the steamer. And there were also Ningpo boats which traded in salt with this hong, and the Hellespont would be there in the 5th month. And there were boats lying at Sha-man-chow now, loaded with salt, awaiting the Hellespont to tow them away. &c &c

Those who gave this information were Chun and Liang, and they were petty military officers at Sha-man-chow

True copy of the original of Inclosure 6, furnished by Mr Dick, Commr of Customs, from the C. House records

前月二十七日親駕本關火船往沙漫洲查察情形、現據該洲土人陳梁二位称說、洲上有安順隆棧、寔係花旂國人開的洋行、常有伊國旂號升挂、又有伊國人在棧辦事、該棧所有煤柴等物、皆係接應蝦吒士搬火船的、彼蝦吒士搬火船往往在沙漫洲地面、施帶奸商鹽船、往上銷售、現該棧內之洋人、亦在其船去了、又有釣鉤船、與此棧交易鹽貨、其蝦吒士搬火船、大約在五月初間、定可回頭、現尚有滿載的鹽船、在沙漫洲等候該船回頭施帶云云、

此陳梁二位均在該洲帶兵之戍弁也

True copy of the original of Inclosure 5, furnished by J. Dick, Com. of Customs, from his Records.

二品頂戴喬

委商為給照護運事

案奉　兩湖閩督憲官　奏准招商試辦淮鹽運楚一案、據水販和駿
發在楚承領照票來淮買鹽、並在淮雇用火輪船拖帶換運、業經詳明
兩湖
兩江閩督憲暨咨　護鹽法
鎮江關道准行在案、茲該水販雇到美字號輪船壹隻、
請給護票前來、合亟給發船照、為此照給該水販和駿發、即便持照領運、經過沿
江關卡、投照查驗放行、毋得留難阻滯須至照者　右照給水販和駿發號　准此
照

元年二月　二十七日

Inclosure 7.

Shanghai, 5th January 1871

George F. Seward Esq

U. S. Consul General, Shanghai.

Sir,

I beg to acknowledge receipt of your favor, dated 20th Decr 1870, with its various inclosures relating to Messrs. Howard & Co's claim against the Chinese Government on account of the seizure and detention of the str Keller. Kont, desiring me to afford you further information, or submit any remarks I may be disposed to offer.

I believe I have no information to afford you further than has been already set forth in our Memorial; but would beg to remark in the implication evidently assumed by Mr Leonard in his dispatch to the Comr. of Customs at Shanghai, dated 2d June 1862, that Messrs. Howard & Co had a

foreign

foreign establishment at Sah-man-chow, another at Ta-fung, and that their Str. "Hellespont traded at these unopened ports.

As a member of the firm of Howard & Co. I am prepared to state, and do so on oath, that neither had I, nor other members of the firm any establishment of such a nature as described at either of the places abovementioned or at any other unopened place or port on the river Yangtse; nor had I nor they any connection, or even knowledge of such establishments at the places named; and I am also aware, and do hereby declare that the str. Hellespont never traded nor trafficked at any unopened port or ports on the said river.

I would also respectfully submit the further testimony of Mr F Mont Milne, who was Messrs. Howard & Co.'s bookkeeper from

from 1861 to 1863, and was thoroughly cogni-
zant of every matter of business wherein
the House was interested or concerned; and
who positively asserts, and is willing to swear,
that, to the best of his knowledge, Messrs
Howard & Co. had no place of business, or
carried on any trade at either of the
places mentioned in Mr Leonard's dis-
patch above referred to, nor at any other
unopened port on the river Yangtsz:
Mr Milne also affirms, that to the best of his
knowledge, the Hellespont, while the property
of Howard & Co., never traded at the places
named, or any other unopened port.

It appears to me that Mr Leonard
simply assumes, from the statement of
the mandarin at Sah-man-chow, and the
fact of finding an American ensign and
House-flag in the place, that it belonged to

a

a foreign House. I beg, again, in refutation of those statements by Mr Leon. and, most emphatically to deny that any such establishment ever belonged to, or had any connection whatever with Messrs. Howard & Co., or that the steamer Hellespont ever traded at this, or any other unopened port on the river Yangtsze.

Further, by reference to the authorization from the Chinese Government to tow salt junks, you will see distinctly that the str. Hellespont was chartered to the Chinese merchant named in that document.

I am, Sir, your obt. Servant

(Signed) Fredk H B Jenkins

Partner in late Firm of Howard & Co.

(Signed)

1

(Signed) F. Mont Milne.

Consulate. General of the
United States.
Shanghai, January 6. 1871

F. Mont Milne and
Frederick H. B. Jenkins, who have signed
the above document, have this day ap-
peared before me, and sworn that the
statements contained therein, are, to
the best of their knowledge and belief,
correct and true

Witness my Hand and the
L.S. Seal of the Consulate
(Signed) George F Seward
Consul. General

Inclosure B.

In the Matter of

Howard & Co., Complainants,

against

The Imperial Government of China

Empire of China,
City of Shanghai } SS.

On this sixth day of December A.D. 1870, before me, George F Seward, Consul General of the United States, came Francis M. Milne, who being by me duly sworn, says that he is twenty-nine years of age; That he was born in Aberdeen, Scotland; That he now resides in the city of Shanghai, and has constantly resided in said city since A.D 1861; and That he is by occupation a merchant, and has no interest in the claim hereinafter named; That during the months of May and June A.D 1862, he resided in the

said

said city of Shanghai, and was in the employ of the firm of Howard & Co., merchants and shippers of said city, as clerk and bookkeeper, and from the nature of such employment was fully informed as to the business and earnings of the steamer Hellespont, then owned by said Howard & Co., during said month of May, prior to her seizure by the custom-house authorities, and during the said month of June 1862, subsequent to her release from said seizure; and from such actual knowledge, he believes that the said Firm of Howard & Co. suffered actual and direct damage in consequence of the seizure of the said steamer Hellespont on the 27th day of May 1862, and her detention by said Custom-house authorities, up to and including the

the 12th day of June 1862, to the amount of Fifteen Thousand taels Shanghai sycee; and if the said steamer had not have been seized and detained, her net earnings, during the said time of her detention from business, would have been fully the sum of Fifteen Thousand taels Shanghai sycee.

This affiant further says, that, from the nature of his business, he has full knowledge of the legal rate of interest, and the rate allowed by the Courts in China on money owing from one person to another on obligations or liabilities where no rate of interest has been agreed upon between the parties; and that such legal rate of interest, and the rate allowed by the said Courts is one per cent. per month.

This affiant further says that he

knows

knows and is well acquainted with George R. Stevens, that he was first officer on board the steamer Hellespont at the time of her seizure by the Chinese custom-house authorities on the 27th day of May 1862; that the said Stevens is a man of good standing in community, and in every respect reliable and credible; this affiant is informed and believes that the said Stevens is now in command of a steamship running on the coast of Japan.

This affiant also says that he knew and was acquainted with Frank Grennan, that said Grennan was second engineer on board the steamer Hellespont at the time of her seizure by the Chinese custom-house authorities on the 27th day of May 1862; and that the said Grennan

was

was a man of good and credible standing in community, and in every respect reliable; this affiant is informed and believes - that the said Grennan is now deceased; That both the said Stevens and Grennan gave their testimony before the U. States deputy consul at Shanghai on the 23d day of May 1863, in relation to the employment of the steamer Hellespont at the time of her seizure and prior thereto.

(Signed) F Mont Milne

United States Consulate General,

Shanghai, December 6. 1870

I certify that the foregoing affi-
davit has been subscribed and sworn to
before me this 6th day of December 1870.

I further certify that the said Francis
M Milne is a man of credibility and
good standing in community; That I
have carefully read to him the foregoing
affidavit by him subscribed, and after -
hearing it read, he says that he has read
the same and knows the contents thereof,
and that the same is true of his own
knowledge, except as to the matters -
therein stated to be on his information
and belief; and as to those matters he

believes

1

believes it to be true.

I also certify that I have no interest in the claim, and am not the agent or attorney of any of the claimants

(signed) George F. Seward

L.S.

United States Consul. general

Inclosure 9

United States Consulate
General. Shanghai. October
3. 1866

To His Excellency
Honorable Anson Burlingame
United States Minister
Peking

Sir.

I transmit to you herewith the claim of the representatives of the late firm of Howard & Co. against the Chinese Government for the detention of their steamer Hellespont at Chinkiang in May and June, 1862

At the time the Customs Establishment at Chinkiang collected no duties, and had simply a sort of

revenue

revenue police function. It was controlled by the Customs Establishment at this port.

Prima facie, the claim is a good one. The charge upon which the vessel was arrested was trading at an unopened port. The Superintendent of Customs appears to have thought that the evidence originally produced was insufficient to authorize the withdrawal of the River Pass, and proposed to secure the necessary evidence, which it would seem, never came to hand. The arrest upon a specific charge was, therefore, a mistake; for which, according to precedents in other lands, the Government is, I believe, responsible.

I submit the case to you for your

your action, or for instructions, as you may prefer.

I have the honor to be,

Sir,

Your Obedient Servant,

(signed) Geo F Seward

Mr Pratt

Ack Mar 29

Ack Mar 21

DEPARTMENT OF STATE
RECEIVED
MAR
28
1871

No 119

Frederick F. Low

to

Department of State

Peking January 24. 1871

Acknowledges receipt of Department dispatch Nos 17 to 22 inclusive

Notes the changes in Consular Regulations, and the instructions in reference thereto

No 149

Legation of the United States

Peking January 24 1871

Sir:-

I am in receipt of your dispatches Nos 17 to 22 inclusive

The changes in the Consular Regulations referred to in your No 22 are noted. My action will, in future, correspond to the rules laid down in the Regulations so far as they are applicable

I am, Sir

Your obedient Servant

Frederick F. Low

Hon Hamilton Fish

Secretary of State

Ans January 29

Gr Britain

Oak 2 — Apr 21

End Desp

No 50

DEPARTMENT OF STATE RECEIVED MAR 28 1871

Frederick F. Low

to

Department of State

Peking January 26. 1871

Acknowledges Departments despatch No 23 and enclosures, with reference to a proposition made to North Germany and France for a cessation of hostilities in Chinese waters. Thinks France will not accede to it, and says the importance of the matter is much less now than it was some months ago.

No 55

Legation of the United States

Peking January 26th 1871

Sir:-

I have the honor to acknowledge the receipt of your No 23 of 19th November with inclosures, all relating to a proposition made by you to the governments of Prussia and North Germany for a suspension of hostilities & to return the Naval forces of those two Nations in the China Seas

I am,

Hon Hamilton Fish

Secretary of State

Lord Granville was laboring under a wrong impression, evidently, as to what had been done, and was entirely at fault in supposing that the French Government would give its assent to the arrangement proposed.

From all the information obtainable here, it appears that the proposition for the cessation of hostilities in this country was discussed and considered by the Diplomatic Representatives of France and North Germany in Japan, and the advisability of such a course of action mutually concurred in.

The

The Commander of the
North German Squadron seconds
the proposition, but the French
Admiral declined acting upon
any such suggestion or en-
arrangement in the absence
of explicit instructions from
his Government. The question
was referred to Berlin and
Paris for a decision. It is
believed that the French Admiral
strongly discountenanced the
whole thing. The response
of the North German Government
is understood to have been
favorable, while that of France
was to the effect that such
a proposition could not be
entertained

entertained) or sanctioned)

If this information be correct it is fair to presume that your proposition, made through Mr Washburne, will not be likely to receive favorable consideration. Nor does its importance seem so great as it did) some months ago)

Any arrangement of this kind, except for the purpose of protecting great interests which, at the date of your correspondence seemed to be in imminent peril, would obviously operate to the disadvantage of France and in favor of her opponent

Ire

In the China Seas the
Merchant vessels of North Germany
are very numerous & their
Naval force is insignificant.
France on the contrary has
a large Naval force and
a small commerce
At the present time the two
North German Corvettes are lying
in port in Japan under
the surveillance of a larger
force of French men-of-war
This leaves the French Merchant
vessels at liberty to go and
come at pleasure without
fear of capture or detention;
and there are enough French
vessels of war still at
liberty

liberty to harass German
vessels and render its dangerous,
for them to leave port.
The result of the matter is
that nearly the whole of the
North German merchant fleet
are laid up in Chinese ports
It is but fair to assume
that Lord Granville was
really in earnest in his
expressed desire to cordially
cooperate in bringing about
an agreement such as
you proposed, but if so
his action would, I think,
be in conflict with the views
and wishes of the British
merchants in China

Yours

These merchants, notwithstanding the alarm which prevailed at the ports where they reside, and in which they apparently shared, during the Autumn, would have approved, had they been consulted, any plan that would have the effect to release the North German vessels from their blockade in Chinese ports. The danger of capture prevents these vessels leaving port, which inures to the benefit of the vessels of other nationalities; and the largest gainers by this condition of affairs are the British

British ship owners

It gives me great

satisfaction to add that a

state of quiet appears to

prevail everywhere in China,

which I trust may continue

without interruption.

I have the honor to be

Sir,

Your obedient servant

Frederick F. Low

Encl
No

Adv May 18

H. Pratt

DEPARTMENT OF STATE RECEIVED APR 1871

No 51. One Enclosure

Frederick F. Low

to

Department of State

Peking February 10th 1871

Encloses a memorandum of the French Chargé d'affaires concerning a revision of the treaty between China and that Country, in which the usual points of revision are stated; and gives his opinions as to the probable effect of the changes if made

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FOREIGN Relations '71

No 51 One Enclosure

Legation of the United States
Peking February 10th 1871

Sir:-

By the terms of the French treaty of 1858 with China the time has now arrived for its revision, in case one or both parties demand it. A few months since the Chargé d'affaires of France gave formal notice that it was the intention of his Government to demand a revision, the particular points

Hon Hamilton Fish
Secretary of State

of

of which would be made known at the proper time

In communicating these facts to me verbally, Count Rochechoart appeared to be anxious to enlist the aid and support of all the Treaty Powers, so far as practicable, to the end that such modifications might be made of the old concessions, and such new ones obtained, as would prove beneficial to all countries having intercourse and commercial relations with China.

Before committing myself to any definite course of action I asked, as a preliminary step, that he would give me in writing

writing a short memorandum
of the alterations he thought
necessary and practicable, that
I might be able to consider
the matter intelligently, and, if
necessary, communicate with
my Government with a view to
asking instructions. He
accordingly addressed me a
note in which those points
are briefly stated, a translation
of which I beg to enclose
herewith.

In the conversation referred
to, I was informed that, prior
to the rejection by the British
Government of the Convention
of 1869, an agreement had been
come

come to between France and England by which joint action would be taken in the matter of treaty revision under and by virtue of the stipulations contained in the French treaty.

What effect the war and the overthrow of the Government of the Empire may have upon such an arrangement, if made, you can judge of better when this reaches you, than I can at this moment.

In order that you may be in possession of my views, based upon the best information I have been able to gather, I beg, most respectfully to offer

Some

some suggestions upon the several points raised by the French Chargé d' affaires

1st The question of audience

In my opinion it is unwise to raise or discuss this question until the Emperor attains his majority. The Government of the Empire being the same now that it has been since diplomatic relations were established at Peking, and as all foreign Governments have, up to this time, waived the right of audience because of the Emperor's minority, this course should

should be continued until a valid reason can be assigned for a change. An earnest attempt to effect a change now would be likely to result in injury instead of benefit.

It would, I think, be quite impossible for the Regency to enter into any engagement by which the Emperor would feel bound to grant audiences to the foreign representatives at any fixed date in the future. It is doubtful if the Emperor would considers himself, bound by such a contract, if made; and any attempt of the kind by Prince Kung and his associates would

would arouse all the hostile reactionary forces in the Capital and in the provinces to resist the innovations.

In considering the propriety of insisting upon this point now, an estimate should be made of the advantages or disadvantages likely to result from an immediate change in the Government, and also of an entire change in the personal of the Foreign office.

If a solution of the problem be insisted upon now, and the Chinese conclude that there is no way of evading or postponing the matter, it would result

result, undoubtedly, in the immediate setting aside of the Regency, and bringing forward the young Emperor, a youth scarcely fifteen years of age, to assume the duties and responsibilities of Sovereign de facto; — thus throwing upon him the responsibility of acceding to, or refusing to comply with, the demand). What he would do under such circumstances can not be conjectured with any certainty

From the meagre knowledge we have of this youth and his surroundings, I infer that he is being trained in the made

made pointed out by Confucius,
by tutors who have seen
little and known up of
foreigners or their relations.
This altogether likely that the
views and feelings of these
people would, if known by
us, be considered anti-progressive
and reactionary, and their
influence with the Emperor
could not be otherwise than
harmful. Their opinions
would be sought as a guide
instead of those of Prince
Kung and the members of
the Foreign Office, and when
a difference of opinion occurred
the former would outweigh the
latter

Cattle. And besides there are to be found in Chinas as in every other country, men anxious to obtain places and power, who would resort to every kind of artifice and intrigues to supplant the present officials in the good opinion of the Emperor, the result of which, if successful, would be to displace Prince King and his associates and fill their places by new men, ignorant and superstitious, ignorant of their duties and obligations.

It would require a war and years of experience to teach them what the present

officials

officials have already learned)

In view of these considerations I would advise patience on the part of all foreign Governments. It is the part of wisdom to hold fast to the men now in power until more mature years will insure a sounder judgement to guide the young Emperor when he emerges from his seclusions to assume the responsibilities of an actual sovereign. There will be no loss of dignity by continuing for a few years longer the course pursued for the last ten;

and

and besides, if the question be
posthoned until the Emperor
becomes of age, according to
his own laws and customs,
there will there be a distinct
and definite ground for
making the claim, without
regard to treaty, which will
be recognized as valid by
the civilized world. It
will also furnish a plausible
excuse, if one is needed, for
conceding to a demand
which can no longer
be posthoned or resisted

But while arguing in
favor of posthonement, I
am entirely opposed to
abandoning

abandoning or giving it up
without a struggle. When
the time comes for the Emperor
to assume his duties de facto,
whether it be sooner or later,
my opinion is clear and I am
decided that it will be the
duty of all foreign Governments
to demand for their representatives,
the same rights privileges and
courtesies that were accorded
to the Diplomatic Representatives
of China when they visited
the Courts and Capitals of
Europe and America; and
in case of peremptory refusal
I should not hesitate to
advise the withdrawal of
the

the Legations from Peking and a resort to such other measures as might be found necessary to enforce a compliance with the demands.

If it is expected that the plan now inaugurated shall be carried out, — treating China as one nation and the Imperial Government as the only responsible power — it is absolutely necessary that the rights, privileges and immunities of the Diplomatic Corps, customary in all civilized and enlightened countries, shall be recognized by the Supreme Authority of China

China. No one thing would do more to disabuse the minds of the peoples of their absurd pretensions of superiority over all other peoples, and of the divine right of the Emperor to "rule all nations whether within or without"

Nor do I believe that a firm demand, made at the appropriate times by all the Treaty Powers, will meet with a refusal.

There will be no need of elaborate regulations in regard to the forms and ceremonies. A simple declaration to the effect that the usual forms

Customary

customary in the United States and Europe shall be observed would be ample

2c The right to place salaried Consuls at any points either on the coast or in the interior; and that any place where such a Consul resides shall be open to foreign trade

This is a loose proposition and one that never will be assented to by the Chinese Government unless driven by force into submission. Indeed it is doubtful whether in the interests of foreigners

or

or native it ought to be.

If M. Rochechouart means that when France or any one treaty power chooses to place a consul at any point other than those already open to trade, the place shall be considered open to the residence and trade of all countries having treaties with China, which contain the "favored nation" clause, whether they have Consuls or not, does not seem clear. If such is a correct interpretation of his meaning — and I think it is — the demand is unjust.

The

The Chinese Government having by treaty yielded jurisdiction over the persons of all foreign residents upon its soil so that it cannot punish them even by fine, it is obligatory upon all Treaty Powers to provide a mode of punishing their citizens and subjects for infractions of treaty and regulations; and it is but a simple act of justice and good faith that their laws should be made effective for this purpose. I regret to be compelled to say that a due observance of this portion of treaty obligations has been too much

neglected

neglected by nearly all foreign Governments, of which the Chinese have just cause of complaint. The United States have done as well or better than most Governments, (England excepted) at the same time candor compels me to say that we have not performed our duty; and if Congress could see clearly the anomalous condition of things where ex-territoriality is claimed and exercised, as is the case here, I feel quite sure there would be no delay or hesitation in providing, through a more perfect Consular System, the means of carrying

out

our honestly and in good
faith our part of treaty
engagements. But if
we have failed in part to do
our duty, France has done
more. She has salaried
Consuls at Canton, Foochow,
Shanghai, Hankow and Tientsin
only, while at Swatow, Amoy,
Ningpo, Chinkiang, Kiukiang,
Chefoo, Newchwang and on
the Island of Formosa, there
are either merchant consuls
or none at all. Generally
at these ports last named
France is entirely unrepresented.
It is true that the trade
of France is small, amounting
only

only to one per cent of the a-
aggregate, and therefore expensive
Consular establishments at all
the ports may appear to the
Government quite unnecessary.
But if her trade will not
justify the expense of Consuls
at the ports already open to
trade, what plausible argument-
can be urged in favor of
sending salaried Consuls to
other points? England
might, with some propriety,
urge such a point, but with
France the case is entirely
different. Nor would France
or any other country be likely
to agree to keep continuously

Salaried

Salaried Consuls at such
points in case the demand
was acceded to. The selection
of any point in the interior
for trade would be an experiment,
and experience might prove
its inutility for the purposes.
In case the Consul should
be withdrawn would the
place where he resided be closed
to trade? With such an
understanding in the beginning
there would be little inducement
for a permanent outlay of
capital by merchants in order
to test the question fairly; -
in which case it would rest
with peddlers, and not merchants,

to

1.

to determine the eligibility of such points for foreign trade.

I see so many objections to such a treaty provision, and so many chances of its proving a delusion and a snare, that, unless the proposition can be more definitely defined I should not be inclined to favor it.

If the exact truth could be ascertained it would be found, I expect, that the whole idea of the French Chair, in this scheme, is the better protection of the French Missionaries; and even if possible to obtain the concessions asked for, these

Additional

additional Consuls would be, to all intents and purposes, agents of Roman Catholic Missionaries. Their official positions and influence would be used to sustain Missionary claims and assumptions, some of which have been described in a former dispatch, So far as trade is concerned, it may even be questioned whether the presence of French Consuls in the interior would not prove a damage instead of a benefit

3c The right to navigate by steam all water courses

that

that will float a vessel
drawing ten feet or more

This, if put in some
more definite form, of which
it is susceptible, would be
of great advantage to foreign
trade, and a benifit to China
If granted, it would open
the Yang-tsze river about 300
miles above Hankow, and
possibly the River Haw and
the Poyang Lake. The former
would be quite certain, but
of the latter there would be
some doubt. Our scanty
information hardly justifies
a decided opinion upon

the

the question of the navigability of the interior water courses of this Country, their maximum and minimum depths of water &c &c

The carrying trade is one of the most important interests to foreigners, and any concession which will increase it will prove of great value to foreign commerce, and also be a benefit to the nation. The Chinese merchants avail themselves of steam transportation because of its greater speed and certainty, and less risk. This the officials begin to see and appreciate also. An illustration of this may

be

be seen in the fact that in
during the year 1870 a
considerable portion of the
tribute rice and grain, which
comes from the provinces
annually to Peking, was
brought in foreign vessels
and steamers to Tientsin
This is the first experiment
of the kind made by the
Government, It proved
so satisfactory that it is
expected a much larger quantity
will be transported in this
way during the present year
The interests of foreign merchants
are, chiefly, imports and exports
of merchandize, and the carrying
trade

trade on the coast and in the interior. Up to this time the latter is confined to the River Yangtsze from Shanghai to Hankow, and the Peiho to Tientsin. Beyond these three branches of trade there is little in which the foreign merchant can compete with the native. Experience proves that the Chinese wills do most of the local and internal trade, and it is quite according to reason that it should be so. Among themselves there is a credit system, regulated by law and custom, and thus rendered quite safe. As between natives and

foreigners

foreigners it would be hazardous to the latter;— and besides the expenses of a native merchant are so trifling that he can conduct a business successfully upon profits that would be ruinous to a foreigner.

In my opinion the extension of trade by steamers — particularly inland, — is, on the whole, the most important of all the schemes that are put forward for "opening up" China, and one that is open to less objections than any other. This is even more important to American merchants than the extension of the import trade,

and

and will continue to be until the Cotton manufactures of the United States can compete with those of Great Britain. If any additional privileges can be obtained in the direction indicated, it is worthy of an earnest effort to try and obtain them.

4th A mixed court for the trial of civil and even criminal cases

Several years since the experiment of a mixed Court for the trials of offenders accused of petty offences was inaugurated

at

at Shanghai. It was hoped that experience would prove its adaptibility for the trial of grave offences, so that ultimately extraterritoriality might be given up. Its success thus far, I regret to say, does not warrant any extension of its jurisdiction or the establishment of similar ones elsewhere.

The laws, customs and forms of legal procedure, in the United States and England, are so radically different from those of China, that the attempt to form a mixed code for the trial of criminal offenders appears to me entirely impracticable.

Even if the Chinese would consent

to

to it neither England nor the United States could do so with due regard to the welfare of their own people. In one country a person accused of crime is, in law, considered innocent until proved guilty; in China the reverse appears to be the rule. In the United States and England the guilt of the accused must be proven by competent witnesses; in China the accused is examined by the Magistrate touching his guilt or innocence, and in order to get at the truth, law and custom sanction the application of torture for the purpose of extorting truthful confessions.

So

So barbarous are the forms of Chinese law and justice that I should dislike very much to see American citizens, charged with crime, brought before a court in which any trace of the criminal law and justice of China could be found

There may not be such radical differences between French and Chinese law and mode of procedure, and for these two countries it may be possible to arrange a mixed code or a mixed court; but so far as the United States are concerned the thing is practically impossible until this government

and

and this people are much
further advanced in our form
of civilization

5th A mixed commission to
manage and expend the revenue
derived from "Tonnage Dues"

By this is meant, I presume, that
the Chinese Government shall place
the revenue derived from this source
in the hands of a mixed commission,
composed entirely of foreigners,
to be expended in such manner
as may seem proper.

It is claimed, with justice,
that the revenues derived from
this source shall be exclusively
devoted

devoted to building and maintaining Light Houses, Light Ships and Buoys, and the removing of obstructions to navigation; although there are no stipulations in the present treaties expressly saying that it shall be done.

No practical step was taken in the matter until after all the indemnities to foreign nations were paid up; and as the United States was receiving a portion of this as well as all other revenues collected of their trade, on account of the indemnity due, it was difficult to take any step in urging the Light-House matter upon the Chinese. I

presume

presume Great Britain and
France now similarly situated,
but of this I am not certain.
In 1867 this whole matter
was placed in the hands of the
Inspector-General of Customs,
who has had the entire management
of it up to the present time.
Several new Light-Houses have
been built under his direction,
and others are being constructed
in England, or on their way
out. Whether all is being done
that can be, with the means
applicable for the purpose or
not I am not aware. I
am satisfied, however, that a
good start has been made
in

in a systematic and proper
manner, and, unless it can
be shown more clearly than
I think it can be, that Mr Hart
is not doing his duty faithfully,
I should prefer to let the matter
remain in his hands rather than
entrust it to a Commission

The revision of the "three
or four articles", for the purpose of
making them plainer, in which
France alone is interested, refers,
I presume, to the discrepancy in
reference to the rights of missionaries
particulars of which were sent in
my dispatch No 40. In that
matter no advice or aid of
other nations will be asked,

or

or accepted if offered

This but natural that France should not desire to open the tariff, to revision. The only thing in the trade in which that nation is interested is silk. The basis upon which the present tariff was arranged and settled was an average of five per cent ad valorem. A specific duty has agreed upon for several things, silk among the number. The increase of the value of this article since the tariff was made has, however, reduced its rate of duty to about one half of the rate agreed upon as equitable; hence it is for

the

the interest of the French to
let the tariff questions remain
without any disturbance.

To sum up the
whole matter, there is nothing
in the present scheme as
indicated by the French Chargé,
for treaty revision, in which
the United States has any
interest or which would prove
of any material advantage,
except the extension of inland
Steam Navigation. The
audience question and the
protection of French Missionary
interests are the only question
in which France has any
special interest. The other

claims

claims are put forward to
enlist the sympathy and
aid of other Countries in
the revisions, nothing by their
aid to gain concessions
which would add to her
prestiges and political
advantage in this part of the
world

I have the honor to be
Sir,
Your obedient Servant
Frederick F. Low

Enclosures

No 1 A note in French and translation of same, from M Rochechouart to Mr Low Sany 28. 1871

Enclosure No 1
Despatch No 51

Copy ..

Pékin, le 28 Janvier 1871

Monsieur le Ministre,

Vous avez désiré connaître les demandes que j'engageais mon gouvernement à faire au gouvernement Chinois à l'occasion de la révision des traités de 1858. Je n'ai aucune objection à vous satisfaire, car je crois ces changemens indispensables, et serais charmé d'apprendre que les autres gouvernemens alliés de la Chine se soient décidés à les demander également.

Je place en première ligne la solution de la question de l'audience impériale, et la confection d'une traité d'étiquette réglant d'une façon honorable pour nos gouvernemens et pour nos

mêmes

mêmes, les détails de notre vie officielle.

2° Je demande que nous ayions le droit de placer des consuls salariés partout où nous le jugerons convenable, et que toutes les villes où résident des consuls soient ouvertes au commerce étranger.

3° Je demande le droit de naviguer avec des steamers sur tous les cours d'eau pouvant porter un navire calant au moins 10 pieds.

4° Je demande qu'un code mixte soit adopté pour pouvoir juger au commercial au civil, et même au criminel, les differends entre français et chinois.

5° Enfin, je demande qu'il soit apporté quelques changemens dans l'emploi des droits de tonnage; il serait désirable

désirable que la manutention de ces re-
venus fut, comme cela se passe dans
presque tout l'Orient, confiée à une
commission mixte.

Quant à ce qui regarde particulièrement la France, je demande qu'on adopte une interprétation plus claire pour deux ou trois articles de notre traité, sur le sens desquels il existe quelque confusion.

Les motifs que m'ont porté à déduire ces conclusions sont un peu trop longs pour être rapportés ici, et du reste sont consignés dans un rapport que j'ai adressé le 1er juillet à mon gouvernement, et dont, j'en suis sûr, il donnerait volontiers connaissance. Cependant, je dois ajouter, que si j'ai

omis

omis de parler du tarif, c'est qu'à mon sens, il est très libéral, et qu'il serait impossible sans injustice de forcer les Chinois à l'abaisser davantage, et que soulever cette question c'est vouloir s'exposer à des demandes reconventionelles.

Croyez, Monsieur le Ministre, à mes sentimens dévoués et de haute considération

(signé) Rochechouart

Enclosure No 1
Dispatch No 51

Translation

Peking, January 28th 1871

M. le Ministre,

You have expressed a desire to know the demands which I have engaged my government to make from the Chinese Government when the Treaty of 1858 is revised. I have no objection to satisfy you, for I believe that the alterations are indispensable, and I shall be happy to learn that the other governments allied with China have decided also to demand them.

I place the solution of the question of the audience with the Emperor first, and the arranging a treaty of etiquette regulating the details of our official life in a manner honorable to our governments

and

and to ourselves.

2d. I demand that we shall have the right to place salaried consuls wher-ever we judge proper; and that those cities where consuls reside shall also be opened to foreign trade.

3d. I demand the right to navi-gate with steamers all water courses which will float a vessel drawing at least ten feet.

4th. I demand that a mixed code shall be adopted by which commercial and civil cases, and even criminal too, which may arise between the French and Chinese, shall be judged.

5th. Lastly. I demand that some change shall be made in the application of the tonnage duties. It would be well

if

if the management of these revenues were intrusted to a mixed commission as is the case almost everywhere else in the East.

In some things relating to France alone, I ask that a clearer interpretation shall be adopted of three or four articles in our treaty, in the meaning of which there is some confusion. The motives which have led me to these conclusions are rather too long to be explained now, and moreover are all contained in a report which I addressed to my govern. ment on the 1st of July, a knowledge of which I am quite sure it would give most willingly. I may add, however, that if I have said nothing about the tariff, it is because I think it is now very

very liberal, and that it would be impos-
sible without injustice to force the
Chinese to reduce it more, and that
to raise this question is to run a risk
of exposing one's self to counter demands
as equivalents.

Receive, Sir, the expression of my
devoted regards and high consideration

Rochechouart.

Encl
Impl

Confidential

DEPARTMENT OF STATE
RECEIVED
APR 24 1871

No 52 One Enclosure

Under the heading "Confidential" the despatch of which the following is a translation, is marked as a communication intended for the President.

Frederick F. Low

to

Department of State

Peking February 20. 1871

Encloses a translation of a despatch from the French Chargé d'affairs in China to his Government upon the condition of affairs in China and pointing out the particular points necessary to be

be urged in a revision of the present treaties between France and China. In this dispatch the United States and their citizens are criticised.

The paper is reviewed, some of the errors of fact are corrected, and the course of the French Government in its relations with China criticised and condemned

Confidential

No 52 One Enclosure

Legation of the United States

Peking February 20th 1871

Sir:-

Since closing my despatch

No 51 in which was reviewed a

memorandum given to me by the

Chargé d' affaires of France of the

points of treaty revision considered

necessary by him. I have been

placed in possession of the full

text of his despatch to the French

Government in which the condition

Hon Hamilton Fish of

Secretary of State.

of affairs in China is elaborately reviewed, the several proposed modifications and the reasons therefor definitely stated and the mode of accomplishing the result clearly pointed out.

Herewith I have the honor to send a translation of the document with a request that it may be considered and treated as strictly confidential. I have to make a similar request in regard to the contents of this dispatch.

I cannot too strongly commend the document which accompanies this to your careful perusal. It will give you a clearer view of the opinions

of

of the representation of France,
which I doubt not will go far
to influence the opinions and
policy of his Government, than
any statement I could make;
and will exhibit in a clear
light the petty jealousies which
prevent the carrying out in good
faith of what is popularly known
as the "coöperative policy," in the
dealings of foreign nations with
China. This policy was
inaugurated by the representatives
of Great Britain, France, Russia
and the United States, soon after
diplomatic relations were established
at Peking, and, whenever tried
up to, honestly, has never failed

of)

of good results

Passing by for the present, the many misstatements of fact and assumptions that are put down as facts, and considering only the difficulties presented by the French Chargé, it will undoubtedly strike you with astonishment, as it did me when I read it, that in so elaborate a review of the whole question no cause are found for the present unhappy state of affairs, except the general perverseness of the people; and of the inadequacy of the remedies proposed, to cure the evils complained of. A careful reading

of

of this paper forces upon me
the conclusion, either that its
author has not sought for all
the causes of the continued ex-
asperation and hostility of the
people, or having found them,
declines to make a full and
frank statement of the case
lest by so doing French pride,
and possibly French honor,
would be wounded. If on
the other hand he is unable
to comprehend the true condition
of things better than the contents
of his despatch would indicate,
he is a very unsafe representative
for any government to have here,
whose advice would prove
of

an uncertain and hazardous
guide for governmental actions
In other cases, the presence here
of such a person representing
one of the great nations of Europe,
is a standing menace to the
peace of this Empire and a
constant source of anxiety to
all countries that desire to
cultivate peaceful relations of
intercourse, trade and commerce.

Having given you my
opinions in a former dispatch
upon the several points pressed
in this paper it is unnecessary
to repeat them here I see
no reason to alter anything
I have said touching these
questions

questions except in a single
particular. It appears that I
failed to comprehend from the
brief statement in the Memorandum
the exact meaning of its author
with reference to Tonnage Dues,
and therefore my criticism is
somewhat inappropriate. The
Inspector General of Customs
has promised me a full statement
with reference to Tonnage Dues,
Light Houses &c which I shall
be able to lay before you soon.

In the paper under
review the Representation of France
has been so complete in regard to
the facts that I deem it proper
to notice some of the inaccuracies

He

He is not correct when he says that Mr McLane and Sir John Bowring, through ambitious motives personal to themselves, pursued a course which the French Ministers were not inclined to join in; Nor is it true that the failure of M. Bourboulon to accompany the representatives of the United States and England to the Peiho Rivers, was caused by the French Admirals refusal to provide him with a suitable vessel. The facts are that the French Minister came from Macao to Shanghai expecting to meet Messrs McLane and Bowring, and with them to proceed

proceed to the north. The
Frigate "Jean d'Arc", which had
been provided for the accommodation
of the French Ministers, grounded
at the mouth of the Wassaw
river and received so much damage
as to render it unsafe for her
to proceed on the voyage. The
favorable season of the year and
the readiness of the Vessels for
the accommodation of the British
and American Ministers not
justifying further delay, the
Secretary of the French Legation,
at the request of the French
Ministers, was received on board
the U.S. Steamer "Powhatan", en
accompanied the Mc Lane
on

on the 11th March, was present
to represent France, if necessary,
during all the negociations
that took place, and returned
with Mr McLane on the Powhatan
to Shanghai (See Mr McLane's
despatch of Nov 19 1864)

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The statement in reference
to the course pursued by Mr
Reed (pp 7-8) is incorrect, unjust
to that gentleman and to the
Government he represented.
The records show that three
instructions furnished for his
guidance by the government of
the United States, were frankly
and without reserve communicated
by Mr Reed to Lord Elgin and
Baron

Baron Gros; and the published
dispatches of the former, written
at the time, show most conclusively,
that the British Ambassador, so
far from accusing the American
Minister of bad faith, frankly
acknowledged his cordial aid
and coöperation to the full extent
permitted by his instructions

Count Rochechouart

is equally in error when he
insinuates (pp 32.-29.) that Mr
Burlingame intrigued for the
appointment of Chinese Ambassador,
and is entirely mistaken when
he says that this gentleman
was sent abroad merely to gain
time for the Chinese in which

to

to consider the demands that were being pressed by foreign nations. The propriety and necessity of China being represented abroad has been pressed upon the high officials by all the diplomatic representatives of Treaty Powers residents at Peking, and the sending of the Embassy in 1867 was brought about by this influence more than by any expectation of political gain. So far as I am able to learn the object of the Chinese Government was to show its willingness to conform somewhat to international usages, and thereby cultivate amicable relations

relations. Mr Burlingame had no instructions other than this general one; and any steps he may have made, and all the inferences that were drawn from them, whether correct or not, might have been easily verified or disproved by all Europeans Governments, through their representatives who were at the time in Peking.

When, therefore, the charge is made, that foreign governments were deceived by the representations of the Chief of the Chinese Embassy in regard to the intentions of the Rulers of this Empire, which led them to adopt the measures

Comes

course in dealing with China,
he disparages the intelligence
of the Statesmen at the head
of the Governments of Europe,
and as a consequence the
representatives of those countries
here, or else he is willing to concede
to Mr Burlingame greater credit
for diplomatic ability, than was
ever claimed for him by his
most ardent friends and
admirers

Italy, Belgium, Denmark
and Holland concluded Treaties
with China while Mr Burlingame
resided here as the representative
of the United States: and so far
from it being true that these
countries

countries Sent Ministers to Peking for
the reasons alleged, (p. 30)
circumstances seem most
conclusively that these allegations
have no foundation in fact.
Belgium has ~~4~~,
a Minister accredited
to China and Japan jointly
and so have Italy and Denmark.
The Belgian Minister has been
at his post some time;
Denmark has recently sent
one whose chief object was
to secure privileges for a
telegraphic cable now being
laid by a Danish Company
on the Coasts of China and Japan
connecting with the Russian
overland

overland line, and the Italian Minister divides his time between Japan and China, rarely coming to Peking. Holland has never sent a Minister since her treaty was exchanged, and Peru has no treaty with this country. It is not creditable to the intelligence of the French Chargé to suppose that these facts were unknown to him. It is to be presumed, rather, that in his anxiety to establish a theory facts and history were made to suit the occasion.

In his endeavor to make out a case against the United States which would justify

ratify European Governments
in veiling that of the United
States out of all consultation
with reference to, and all
participation in, treaty revision,
he does not hesitate to draw
on his imagination for facts
in regard to the actions of Mr
Reed when at the Mouth of
the Peiho in 1858, or to contradict
history in regard to Mr Ward's
trip to Peking in the following
year when he came to exchange
the ratified treaties; the exact
truth with reference to all of
which could readily have been
ascertained had there been
a disposition so to do

Upon

Upon what foundation
the charge is made that Mr
Burlingame was selected by
the Chinese as their representative
"because he, of all the foreign
"representatives at Peking was
"the one who had best defended
"the interests of his countrymen"
(p 29) is not apparent. I
never heard that gentleman
charged with lack of zeal
in this respect by our citizen
citizens in the United States or
China. But while trying
to secure for his countrymen
their proper rights and privileges
it is undoubtedly true that
Mr Burlingame often here
represented the United States

did

did not feel called upon to
make unjust or exhorbitant
claims upon the Chinese Government,
and when cases of loss or damage
to the property of American citizens
occurred for which the Chinese
were properly responsible, he
was ready to accept the amount
of the actual damage or loss
without an extra allowance
for commissions or rewards.
Nor did he think the safety,
prestige or welfare, of his
Government or his countrymen
depended upon the employment
of any given number of the
latter in subordinate positions
under the Chinese Government.

Lee

In these particulars he may have differed in his action from that of some of his colleagues; and as between the present representatives of the United States and France there is quite as great a difference of opinion upon these points.

I considered it the part of wisdom, as well as honesty, to make claims for actual loss only, sustained by American citizens in the riot at Tientsin; and when the claims were adjusted and paid, I preferred to let the money be paid to the custodians selected by them

to

to onward its belongings rather
than have it pass through
the Consulate or the Legation.
In this way all suspicion,
either by the Chinese or our
own people, of jobbery, fees or
commissions, was avoided.
This mode of doing business
is, I am well aware, not in
accordance with Much Custom
For losses sustained by French
subjects by the action of the
Tientsin mob, a claim for
at least four hundred per cent
of the value of the property lost,
destroyed or damaged was made
and, with the fear of consequences
in case of refusal, the full
claim

claim amounting to 210 000
taels (about £300 000) was paid to
the French Chargé. This was
for property destroyed, and not
in any way as compensation for
the loss of the victory. How
much of this amount was
actually paid over to the people
for whom the claim was made
I do not know nor have I
inquired; but I only repeat in
a very mild form the statement
made to me by the resident
Roman Catholic Bishop of
Peking when I say that, this
Tientsin riot was a good
financial operation for the
representative of France.

And

And what makes the matter
worse the Chinese hear and
repeat the same stories

This distinguished
representative did not consider it
undignified or improper to
threaten the Inspector-General
of Customs with abrogating
treaty stipulations by prohibiting
French vessels from paying
Tonnage Dues, in case one
half of the orders for Light
Houses and material were
not sent to French mechanics
and artizans; and on another
occasion not long since
he told the members of the
Foreign Office that unless

a modification was made
in the Rules regulating the
collection of Tonnage Dues
by which the French Steamship
Line would save $1200 or $1500
annually, he should advise
his Admiral to disregard the
Neutrality of China, and send
Cruisers into the ports to
seize vessels belonging to the
Belligerent nations. These
are only a few of the many
examples I can draw of
which exhibit the recklessness,
egotism and folly, of this
gentleman, who sets himself
up as censor of other nations
and people, and assumes

to

to dictate what course China shall pursue, and also the one for all the Treaty Powers England, the one faithful ally of France in China, comes in for censure also, Her representation is accused of sacrificing the great interests of France — silks — to the Cotton and opium interests of England. He advocates the disposition manifested by Great Britain to lower official dignity and honor to the level of the merchants, and charges that trade and the love of gain have produced such a sad condition of affairs at the

Ports

fore that now there is scarcely any difference between a Plenipotentiary, a Consul and a Merchant. If France had more merchants and a less number of Plenipotentiaries and Consuls she would be better off.

A Physician usually makes a diagnosis of the disease of his patient and then prescribes the remedy. In the paper under review China is said to be diseased, but no attempt is made to ascertain what the disease is, and I have looked in vain through the list of remedies proposed

to

to find any that will be
likely to effect so cured.
If Mr Rockhechouart believes
that the proposed alterations
in the treaties will restore
vitality and health to China
immediately, he deceives
himself; or if he expects that
treaties, agreed upon in Europe
for China to accept without
discussion, and forced upon
her by the intimidation of
a fleet of war vessels in the
Gulf of Pechele, will be enforced
in good faith by the high
officials, or that they will
be observed by the provincial
officers and the people whenever

&

it is possible to evade them,
his great experience in Asiatic
Countries, of which he boasts,
has been of little avail to him,
and will prove of little advantage
to his Government

It is assumed as the
basis of his plan that Europe
has the undoubted right to
regulate intercourse with this
"barbarous government, and
impose such conditions as
may be deemed necessary
(pp 37-38) and that, as the
people of the United States
and China are exclusive,
conceited in their opinions,
and not disposed to conciliate,

(pp 63)

(p 63) these two nations should
not be consulted. This
mode of treaty making is new
and rather unique. It goes
to show the war of all pervading
nations, and proves that treaty
negociations, instead of being one
of the most difficult, is the
simplest thing possible If
this plan is found to work well
it is not unpreceded that,
hereafter, treaties made to order
according to the latest Paris
fashions, changing with the
season like ladies' costumes,
can be easily and cheaply
obtained at the authorized
depots of the French Government

in

in any part of the world,
"guaranteed to suit the most
"fastidious" and "warranted to
"suit in any climate"

My distinguished colleague
affects to believe that the laws
of the United States are "exotic,
"upon their own soil, but
"inapplicable in a cosmopolitan
"society like that at the ports in
"China (p 611) and argues in
favor of an mixed code as a
remedy for the present condition
of affairs at the ports, which
he says is "intolerable", so far
as commercial affairs are
concerned. This startling
announcement surprised me.

So

So far from this being the
case I had been led to believe
that, as between the three nations,
most largely interested in trade
and commerce — England,
the United States, and North Germany
— their laws and commercial
regulations worked smoothly and
satisfactorily. Notwithstanding
his opinions to the contrary I
still believe this to be the fact;
and as these three countries
transact ninety four per cent
of all the foreign business, or
own eighty eight per cent of
the number of vessels and ninety
three per cent of the tonnage that
enter and clear at the several
ports,

ports annually, I cannot
conceive that the conditions
of things is "intolerable" in any
proper sense. The communal
laws of France, differing as
they do, widely, from those of
the countries before referred to,
it is altogether likely that their
due executions in a cosmopolitan
community, where there are few
French subjects, may cause
some trouble; but as the direct
trade with France is small
— scarcely one per cent of
the aggregate — with little
prospect of materials increased,
the inconveniences on this score
must be inconsiderable and
scarcely

scarcely worthy of attention

I never had any reason to suppose that any marked distinction was made in the minds of the Chinese, generally, between the several foreign Legations, and supposed that all were treated with the same tokens of respect or disfavor

If, however, the French Charge is correct when he says "ces "ces salutes as we pass along "with the grossest words, and "the gibes of children" (p. 20) his experience differs widely from mine. With the exception of one or two instances I have been treated with courtesy and respect

respect by all classes since
I have been in China, and
in the exceptional cases referred
to, the unkind words came
from children. Possibly my
ignorance of the language
rendered unintelligible some
of the insults that have been
offered, but on this score my
French colleague is equally un-
fortunate with me. My
view of the case, however,
is supported by the testimony
of Missionaries and others who
understand the language, who
say that the use of insulting
and abusive language towards
foreigners is a rare exception.

L

I am charitable enough to think that M. Rochechouarts ignorance of the language has led him into error, and that he has mistaken the kind salutations of the natives for words of direction. It would, I think, be a happy condition of things if the Chinese could walk the streets of the cities of the United States and Europe with a certainty of being treated with as much respect as we receive here.

In what I have said I would not have it to be inferred that the Chinese like us or desire that we should live

lives among them. I am quite prepared to believe that our presence here is tolerated as a necessity, and that they would be glad if we could find it convenient and agreeable to spend our days in other lands. I am also of the opinion that treaties with foreign nations are imperfectly executed by the officials, and their provisions are evaded whenever it can be done with profit or when it can be done without too much risk of untoward consequence. It would be a matter of surprise if this were not so, unless we

are

are willing to concede to the Chinese a larger share of honesty than usually falls to the lot of people of other nations. Treaties with China, unlike those with Christian countries, contain tariff and revenue provisions, regulations for trade &c. The Secretary of the Treasury and Congress know how difficult it is to prevent illicit trade, and to collect honestly the dues justly belonging to the Government; and with all the care that those charged with these duties can give it is notorious that the government is defrauded

of

of millions of dollars annually
If this can be done in the
United States the conditions of
affairs here must be much
worse by reason of the weak
and loose governmental systems,
and other causes, some of which
have been pointed out in previous
dispatches. If the officials
will defraud their own people,
what right have we to expect
exceptional treatment in the
case of foreigners, provided an
opportunity is afforded them!
Our rights under existing treaties
were obtained by force from
a nation that knew nothing
of the people of western nations

then

their civilization or their commercial relations. Only a few of the high officials know the meaning of a treaty when they were made, and the mass of the people to day, notwithstanding the many Imperial decrees and proclamations that have been issued, have no clear conception of the nature or binding force of a national agreement of this sort. It is only two years since the last treaties went into effect, and it is too much to expect that in this brief space of time this nation of isolation and ignorance should be made to know their duties much

much left to perform them faithfully. Taking a careful, and, as I think, an impartial, view of the whole field, my only surprise is that the treaty has been so well observed.)

With the large trade between this and foreign nations it is remarkable that it is carried on so safely, and with so little loss that can, in any proper sense, be chargeable to the Chinese Government

But so far as trade is concerned the French Charge seems to think the present treaty, not good, — nay, excellent. All they ask he says, is a little

"perfecting us" in places and
possibly some slight alterations.
For all the difficulties of this
nature he appears to have
discovered a remarkably simple
remedy. It is thus described:
(Sect 1) "Ascertains the times and
"places for holding the fairs
"throughout the country and
"insures the right, for our merchants
"to resort to them in any number
"for trade. If necessary they
"might be accompanied by an
"agent to act as consul"
This he thinks will answer all
the demands for an extension
of trade made on by the merchants,
and will effectually shut us

stop

stock to the collection of illegal transit dues. With all due respect to the opinions of one who has had such large experience in Asiatic affairs I doubt if the free admission of foreign peddlers to the fairs, even though they be accompanied by peripatetic consuls, will work such a reform as he anticipates. A stranger reading this portion of that document would be likely, in the absence of any direct knowledge on the subject, to suppose that its author belonged to, and was the exponent of the peculiar views, of that persecuted

persecuted race that stoned
Prophets and crucified the
Redeemer of Mankind; instead
of being the representative of
a proud and powerful nation
whose peculiar province was,
thought to be, to rectify the
Math of Europe, to spread the
rule and dominion of the
Latin Race on the American
Continents, to guarantee the
Pope in the peaceful possession
of his temporal power, and
to protect the true faith from
the assaults of its enemies,
whether they were heretics or
heathens, in all parts of the
world.

Lovell

Count Rochechouart says that when missionaries are maltreated or murdered it is difficult to compel the officials to punish the guilty; and that he and his predecessors have been obliged to accept, instead, pecuniary compensation. This is undoubtedly correct. As stated in a former dispatch the Catholic Missionary question is the most difficult of any that occurs in the relations between the Chinese and foreigners. Instead of growing better it is getting worse. The hatred of the natives toward Missionaries is intense, which is liable to manifest

manifest itself, in popular
uprisings in any place where
the missionaries reside. So
serious has this trouble become
that the Government realizes
the peril of the situation and
admits its inability to manage
it so as to assure peace and
safety. I have now before
me a Long despatch from
Prince Kung, a copy of which
has been sent to all the
foreign Legations, in which
he frankly states the difficulties
and appeals to all foreign
governments to use their good
offices in an endeavor to
arrange a more secure basis

for

for the control and management
of this difficult question.
In a future despatch I shall
be able to give you further
information.

Count Rochechouart admits
that "the texts of the French and
"Chinese treaties are not the same"
in regard to the missionary question,
and adds: "and I regret to add
"that the French text is the least
"favorable to our side; and that
"in case of dispute is the one
"we are bound to appeal to" (p. 47)
The fact is that the whole
provision in the treaty by virtue
of which Missionaries are allowed
to reside permanently, and acquire

property

property, in the interior is a fraudulent interpolation in the Chinese text, placed there by the Substituter assisted by a Catholic priest, without the Knowledge of the French Ambassador, Baron Gros. And yet this fraud is alluded to as a trivial thing.

He acknowledges that the French text, "because it is the least favorable of the two", is never quoted as a guide "except in cases of dispute". Were the French text taken as the guide I fail to see by what right the Missionaries can insist upon residing permanently away from the open Ports

To

The Chinese are well aware of the fraud practiced upon them by the French; and it is not unlikely that the local officials are inclined to wink at, if not encourage, the hostile actions of the people, and are indisposed to punish those that maltreat and murder the Catholic clergy in the interior.

Money will readily be forthcoming to satisfy the demands of the French wherever a murder is committed; and the natives will consider the money paid for such a purpose well expended. If the murder of a missionary now and then will benefit the

fatherless

faithful spread of missions.

So cases have the representation of the French Government been to obtain the pecuniary compensation when such cases occur that then Chinese begin to think it a legitimate transaction to murder a missionary and then ask what amount of money is necessary to satisfy offended justice. It seems to have become a maxim with the natives: "Do what you may "to a foreigner it can always "be settled with money". The avidity with which this money compensation for those murdered by the mob at Tientsin was

seized

seized upon by the French Charge's only confirms the Chiefs in the belief, of the truths of their maxim, and convinces them that high sounding demands for heads without trial, and ultimatums, are not weighty arguments when ready cash is put in the other scale. If this ill effect of these transactions was confined to the French alone, others nations might afford to pass them by without criticism; but when all foreigners are, as a rule, placed in one and the same category by the mass of the people, such acts damage the reputation

of

of all, and, to a greater or
less extent, fruit all its fruits.

The history of the
French nation in its intercourse
with China has been, and is,
one persistent course of force
and fraud; and the programme
marked out in the paper under
review, for the future, is in keeping
with the history of the past.
The history of the Consulate and
Cathedral at Tientsin, the
French Concession at Shanghai,
and the Cathedral at Canton,
and the mode and manner
by which the property was acquired,
would, if truthfully written, make
a dark page. To describe

these transactions would require the use of language hardly appropriate for the files of the Department

After having claimed and acquired large amounts of property for the missions in all parts of the Empire under and by virtue of Article VI of their treaty of 1860, and in addition, the Chinese have paid for property claimed which could not be returned large sums of money,—said to amount to between two & three millions of dollars — the Prince Chung generously and magnanimously proposes (p. 49) to demand

for

in exchange for this article
in their treaty, which has now
become useless pecuniarily, a
new conception which will
legalize for the Bishops and
Chiefs of missions an official
rank — the most repugnant
to Chinese pride of anything
that could possibly be suggested
Bishops and priests assume
this now, and it is against
these assumptions that the
native officials protest. It
is to these unwise acts on the
part of the clergy that much
of the ill will of the people
is chargeable, and unless
abandoned will be almost
certain

certain to bring on collisions.
The Chinese will not submit
unless forced to do so, and to
compel submission by force
will require an army sufficient
to take and hold the whole Empire
The situation can in no possible
sense be considered satisfactory.
The antagonisms are deep rooted,
requiring great care and caution
in the management of affairs
to prevent untoward results.
And yet the French Charge, while
admitting the gravity of the
case, seems to overlook entirely
the causes of the discontent and
affirms that he has found a
sovereign remedy —— Audience

of

of the Emperor and a treaty of
etiquette. In his opinion
the Tsarish dues and all commercial
questions will be satisfactorily
arranged by a new treaty
provision by which peddlers
will be allowed to attend fairs;
and if the Emperor will graciously
receive the ~~[illegible]~~ representatives
of foreign governments under
and by virtue of a treaty provision
which will allow these gentlemen
to go with an escort of "ragged
"soldiers, or accompanied by servants
"disguised as if out on Shrove-Tuesday"
carrying before them distinguished
representatives of foreign countries
"a red cotton parasol or a vast

of

"of gilded sign boards", this will settle and put at rest all ~~the~~ other questions. He thinks if the head can be attacked, in this fantastic way, all will be well, for he says: (p 61) "Among "all Asiatic nations it is the head "which must first be attacked "for example, and the word of- "command proceed from the top"

In proof that this can be done easily when the effort is made the circumstance is mentioned (p 81) of his having on one occasion passed the Foreign Office by and addressed himself to the Emperor direct. As evidence that his note reached its destination he says

says: "and the Empress answers
"it by a decree suitable enough
"in form". This statement
may mislead the Government
at Paris, - Tours, - Bordeaux -
— or wherever it may happen
to be — but it will deceive no
one here; for we know very
well that a Privy Council, of
which Prince King is the head,
in consultation with the Empress
Regent, issues all the decrees
and proclamations; and, although
these papers go forth in the name
of the Emperor he in fact has
nothing to do with such matters
It is altogether likely that his
note reached the same points
that

that it would if decided to
Prince Kung at the Foreign office,
and received the same attentions.

I am not disposed
to undervalue the importance
of the Indian questions, and,
when the appropriate time arrives,
I should be glad to see a firm
stand taken by all the Treaty
Powers in regard to it. But,
if successful, it will not relieve
the situation of all the difficulties
The Central Government is too
weak, even with the best intended
efforts, to effect radical changes
in the conduct of affairs in the
provinces.

The Missionary question
and

and extraterritoriality are the
underlying causes of most of
the antagonisms, aside from those
that naturally spring from a
difference of race & civilization.

And when I refer to missionaries,
I mean particularly those of the
Roman Catholic faith. To be
sure there are, occasionally, Protestant
missionary troubles; and I have
found occasion to question their
prudence and sagacity in the
management of their affairs; but,
as a rule these religious feuds
spring from those of the other faith.
The ignorance of the people,
renders them unable to draw a
clear line of distinction between

the

two Religious faiths, and hence
I am not unprepared to hear
of the ill treatment and subsequent
murder of our missionaries also.
The high officials here frankly
admit that they have no cause
of complaint against the
mercantile class or the Protestant
missionaries, and even it not
for other disturbing causes there
would be little difficulty in affording
all needed protection. It lies
with the Government of France,
chiefly, to say whether this state
of things shall continue and
grow worse, or whether it will
seek out the cause and apply
the remedy. If such Government
could

could be made to see clearly
the actual condition of affairs
in China; if it could be clearly
demonstrated that all her efforts
to gain prestige and power in
China through religious propagandism
is useless and worse than useless;
that the course now pursued
by her officers and agents is a
constant menace to peaceful
trade and commerce, and that
a new line of action which would
exhibit less arrogance and pride,
and more of honesty and fairness
would inure to the best interests
of France and all the world,
possibly the change might be
accomplished. I regret

to

to be compelled to say that I
am neither sanguine nor hopeful
of ~~a~~ such a result.

Ex-territoriality ~~is~~ is
a necessity in our intercourse
with this people, and will continue
to be until they are much further
advanced
in knowledge. This, however,
one of the greatest obstacles in
the way of teaching this people
by actual experiment the benefits
to be derived from adopting other
and better forms of civilization.
The more the officials see of
its workings the greater appears
to be their repugnance to the
extension of the power and
influence of foreigners. There

is

is no peaceful remedy for this
evil but what will come by
time, patience and forbearance
on the part of foreign nations,
and a better knowledge of us
and our institutions on the part
of the Chinese. We should
do our duty faithfully in the
due administration of our laws
so far as our own people are
concerned, at the same time
exacting the due observance
of treaty stipulations of the
Chinese, with firmness yet
without overstrained menaces.
Owing to the weakness of the
Government a further naval
force in those seas, aside from
the

the protection of commerce, will be necessary to afford protection to our own citizens from mobs and other unlawful assemblages and, in case of wanton outrage, to enforce demands for reparation. It would be well if other Governments would stop making attempts for new treaties periodically, seeking the concessions that are desirable as occasions may offer outside of all such formality; convince the religious world, that this nation of ignorance cannot be brought under the benign influences of Christianity in ten, twenty or fifty years and that any attempts to hasten this time by forcible only

4

only attend the work. Let us show by our acts that we are more honest than the Chinese and in this way try to convince them of the superiority of our civilization and forms of religion

In a word, let foreigners conduct themselves friendly towards this people, observe faithfully all existing treaty engagements and, in return, demand, and enforce if necessary, reciprocal treatment on the part of the Chinese By pursuing the course herein indicated our progress may, and undoubtedly will be, slow; but it will be more sure and probable

more

more advantageous to both
foreigners and natives than as
greater nominal progress
forced by wars and bloodshed.

I have the honor to be
Sir,
Your obedient Servant
Frederick F. Low

Enclosure

No 1. Translation of a dispatch
of Count Rochechouart to the
French Government July 1. 1870

(1) Enclosure No. 1
Despatch No. 52

Translation.

Revision des Traités,
Direction Politique. N° 82.

Peking. July 1. 1870

To His Exy.
M. Emile Ollivier
Minister of Foreign Affairs.

M. le Ministre,

It appears to me desirable that I should make known to you my own views respecting the revision of the Treaties of Tientsin and Peking, whose limit of time soon expires, and upon which it is necessary for us carefully to consider beforehand if we wish to properly manage the questions that will come up. This approaching revision ought to be the last, but who can flatter himself that it will be lasting? At least we ought no longer to use that temporary form which all our conventions with the Government

of

of China have hitherto taken. Ten years of consecutive daily relations with the highest dignitaries of state at the capital, ought to enable us once for all to set forth those demands which we regard as just and necessary to secure our national interests in this country, so that we need no longer insert a clause looking to the possibility of a decennical revision. The Chinese Government has some reason for considering these periodical revisions as prejudicial to amicable relations, and perhaps even to justice

Just as it was quite natural for M. de Lagrenée, when he concluded the Treaty of Whampoa in 1844, to demand the right to revise it after a fixed time, seeing that one could not foresee the workings of such a convention made in a country still unknown to the negotiators, and where doubts existed as to its validity, and the power and good faith to carry it out; so it would be singular for us now to adduce the same reasons. After another ten years, we ought to know what

we

we want, or we shall never know it.

In order to comprehend the present situation, and impartially estimate the pending questions, we must review the past, and go back of the campaign of 1858 and the treaties of Tientsin. The Legations of France, Great Britain, and the United States were then stationed at Macao or Hongkong, and could only protect the interests committed to their charge by addressing the Governor-general at Canton — the same personage since become historical for his pride and cruelty, and his refusal to accept any personal relations with the foreign representatives. He would only discuss affairs by notes, and they were given when he pleased, and were never satisfactory upon the points at issue. All the efforts of Mr. Bourboulon, Mr McLane and Sir John Bowring were unavailing against this impassible barrier.

But the character of Yeh was not the only difficulty in the way. Notwithstanding the orders of their Governments, these plenipotentiaries were never entirely in accord,

accord, and the appearance of union in their official acts was not enough to inspire the Chinese with any fears of a real entente among them. Each one of them tried by official means to separate his own demands from those of his colleagues. Sir John Bowring and Mr. McLane, wished to signalize their term of office by some striking negotiation, and, both being enterprising, active, energetic men, were determined not to hesitate at any risk; while on the other hand, M. Bourboulon, fearful and hesitating, felt more at ease in adhering to the means which his previous diplomatic education had taught him the use.

At this period the northern part of the Empire, between the Yangtse and Yellow Rivers, was in the hands of rebels, whose power suggested the idea that they might one day become its masters altogether. They were not very well known, but even then were the object of the infatuation (engouement) of Protestant missionaries

missionaries, and of some English and American merchants, who represented the opinion, very popular at the moment, that it was best to abandon the Tsing dynasty to its just fate, and attach foreign hopes to this insurrection, whose leaders were thought to be animated with liberal ideas, and therefore more likely to be induced to make concessions. Mr McLane did not conceal his sympathy for them as soon as he reached the country, and it required all the rebuff of his ill reception at Nanking by their chiefs, to dispel the illusion surrounding them, and bring him round to a more favorable opinion of the reigning dynasty.

He then with equal ardor went in the other direction, and having got the co-operation of his colleagues, he and Sir John Bowring in 1854 made the first essay at negotiation at the mouth of the Pei-ho. M. Bourboulon could take no part in this enterprise in consequence of the refusal of Admiral Laguerre to furnish him with a ship. This attempt naturally came to no satisfactory

factory result, but the notes made by these diplomats establish very clearly for my present purpose, what public opinion sought for, and the demands of foreign Governments, which were,

1st A revision of the tariff in a liberal sense;

2d An improvement in international relations, such as the possibility of corresponding with the governors of the provinces in which the open ports were situated; and by and by getting at least a sojourn at Peking accorded to the foreign ministers;

3d Liberty of conscience;

4th Permission to travel in the interior of the empire, and to navigate the great rivers; and

5th Rules for coolie emigration.

Things were in such a state that no one could foresee how they would turn, when two important events occurred which hastened their development, viz. the judicial murder of Père de Chapdelaine, and the insult to the British flag by the governor-

general

general at Canton. The Governments of the Emperor and of Queen Victoria resolved to endure this state of things no longer, but at one blow to decide the China-question by severely punishing the governor at Canton. Ministers with full-powers were accordingly appointed to this end, who were ordered to resort to force to obtain from the Chinese Government legitimate satisfaction for our wrongs and security for the future. The United States and Russia likewise sent their representatives, but with pacific instructions to remain mere spectators of the quarrel whatever turned up.

Baron Gros, Lord Elgin, Mr. Reed, and Admiral Pontiatine, found themselves together in the south of China in 1858, and opened the game by sending an ultimatum to the governor-general at Canton. In the events that followed, the Russian Count held his card; but Mr Reed, while asserting his pacific intentions towards China, essayed to play

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a less blotted (effacé) part than his colleague of Russia. From papers found afterwards in the office of Yeh in Canton, it was ascertained, what is already doubted, that the policy of the United States was to separate itself from that of the European Governments, and play the part of an interested mediator between China and Europe.

The capture of Canton at a blow did not much dishearten the Central Government, for the simple reason that it lies 800 or 900 leagues from Peking; and also because the Emperor Hienfung was in the power of the opposing party, and, owing to the financial and political organization of China, a disaster at Canton is not at all felt elsewhere in the country. If his pride was not wounded, the Son of Heaven remained quite indifferent to such events. A single incident will best explain this situation. When our forces were marching on Peking in 1860, the governor of Kiangsu and the Intendant at Shanghai, terrified at the progress of

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the rebels and the capture of Suchau (its capital) asked the help of our troops against them; - and the strange anomaly was seen of an army defending at one point of the empire the enemies whom it attacked at another.

After a new diplomatic failure at Shanghai, the allied forces occupied the Taku forts, and the Plenipotentiaries presented themselves at Tientsin, where the Chinese Government at last admitted the inutility of resistance, and sent its envoys with full powers to treat. Of course the Russian and American Ministers profited by the circumstances, and concluded their treaties with them too; but at this time all were still too ignorant of the subject to commit themselves irrevocably for the future, and Baron Gros stipulated for a delay of ten years from the date of ratification as the term for a possible revision.

The treaties of 1858, usually known as the Treaties of Tientsin, was a great

step

step forward in the China Question, and surmounted many stages of the demands put forth by Sir John Bowring and Mr. McLane, considered to be already very advantageous, as –

1st The tariff was settled on an approximate basis of five per cent. ad val.

2d. The opening of many ports on the Coast and Yangtse River.

3d. Liberty of conscience and the right of preaching.

4th Temporary residence at Peking – for foreign representatives.

5th Recognition by the Emperor of China of other sovereigns equal in dignity and power

6th The right of travel in the interior.

But these concessions were too important, and the knowledge of our – power still too imperfect, not to encourage the Chinese Government to try once more to withdraw from its engagements. Sir Frederick Bruce and Mr. Bourboulon were received with cannon-balls when

they

they came, according to established usage, to exchange ratifications. The campaign of 1860, crowned by the capture of Peking and burning of the palace, at last compelled the Imperial authorities to submit. The Convention of Peking changed some things in the Tientsin Treaties, especially these three important ones, —

1st The permanent residence of foreign ministers in Peking.

2d The restitution of religious establishments confiscated in times of persecution.

3d Opening of Tientsin to foreign commerce

The installation of MM. Bruce and Bourboulon in the Chinese capital in March 1861, marked the end of the period of feeling in the dark. France and England have ever since had their representatives in Peking, and their voluminous correspondence is replete with the fullest and clearest information. The time has now come therefore to negotiate

with

with this Empire in full knowledge of the subject, to settle the questions remaining still in suspense, obtain the necessary guaranties for our former conquests, and do away with those clauses of our treaties which are impossible to execute, and whose maintenance prevents all progress in China.

But before entering in detail upon these points, it is necessary to say something upon the general situation, and to show, that if we have imposed ourselves upon the Chinese by force, we have neither won their sympathies, nor obtained the least change in their opinions, habits, or ideas. The same questions are continually rising, whose solution each time requires the same pressure; while the lessons of the past have had no perceptible effect to diminish the hauteur or the indifference of the high mandarins.

For instance, the murder of Père Chapdelaine was the avowed motive for our intervention and participation in the

campaigns

campaigns of 1858 and 1860. The satisfaction which we demanded was not rigorous, but simple and just, for we were satisfied with the punishment of the guilty functionary and the insertion of his condemnation in the Peking Gazette, accompanied with an official notification that the Ticalies forbade all acts of violence against our missiona. ries. It took a war to obtain this notifica. tion, and yet to this hour nobody has been able to state what was really done in re. gard to it.

In February, 1862, fifteen months after the peace, the Abbé Niel was judicially murdered in Kweïchau at the order of Tien, first military officer in that province. — Neither M. Kleczkowski nor M. Berthemy could procure the execution of the sen. tence against this man of decapitation, nor the insertion of the judgment in the Peking Gazette. But as all this occurred soon after 1860, when the impression left by the burning of the summer palace had not worn off, the Chinese Government —

consented

consented to degrade the man; and Mr Berthemy, to save appearances, became the advocate of clemency, and asked the commutation of a punishment which would never have been carried out.

When Mr Mabilleau was killed in 1865, Mr Bellonet experienced the same difficulty, and took a pecuniary indemnity because he could get nothing better. Lastly, I have consented to overlook the participation of the officials in the assassination of Messrs. Rigaud and Giles, and am to report on a satisfaction of another kind.

If you read the correspondence, you will perceive that, in these cases, we have set forth the same ideas, and asked the same satisfaction, and thought that we exhibited great conciliation when we placed ourselves upon the platform of Chinese law in meting out the sentences of the guilty. What are the motives of this constant check? Nothing short of the violences of a victorious war will compel the central Government to grant that satisfaction

faction which everywhere else we have no difficulty in obtaining.

Whatever bad opinion the Chinese may have of us, it would be absurd to attribute this refusal to a desire to be disagreeable to us, or to antipathy of races. I think such denials of justice must be ascribed to other causes, — as, 1st To our different notions as to the gravity of a judicial murder; and 2d To the necessity of always and everywhere sustaining official prestige. To punish a culpable mandarin would be, in the eyes of the Chinese, to sap the edifice of the Chinese constitution. Murder is certainly punished by their laws, and its penalty is not less severe, and at least more cruel, than is authorized by our code; but it does not involve that kind of moral reprobation and public dishonor which is visited upon murderers in Europe.

There is not a native functionary who has not often in his life condemned the innocent to death; either to get hold of their

property,

property, or to vent his anger. The horror which we feel at a judicial crime does not exist in China; and this explains the lamentable indifference of the members of the Foreign Office to these sad events.

It is altogether certain that, owing to the force of these two sentiments, the Central Authority would exhaust its arsenal of arguments, subtlety, inertia, and even bad faith, to save an officer partially culpable in its view, whose condemnation would be like an attack on the powerful body of literati and mandarins. Wänsiang and his colleagues all very well know that the Emperor will, for the most futile reason, order the highest personage in the empire to be strangled or beheaded; and will search through all the families to recruit his harem, or supply the debauches of his familiars; but it would be unheard of to have the humblest official to fall under the just denunciation of a foreign Government. To them, this would be an act of weakness

of

of the gravest responsibility. What I have said about the murder of missionaries is applicable to all other affairs where foreigners are concerned; and Mr Wade or Mr Hart could not obtain any easier the degradation, or even the changing of an officer convicted of extortion in collecting the revenue.

I deem this disposition to acquit, whenever one of the parties is Chinese, to be one of the most serious dangers of our present situation, and the most difficult to remedy. Admitted to some open ports by the authorities, and by the members of the Foreign Office to nearly an equal footing in our relations with them, we are still ignored by the nation and hated by the provincial rulers. The Central Gov't does all it can to prolong this state of things, urged thereto by the inherent pride of the official class, and its own dread of detaching one stone of the social edifice and dragging itself down in the fall

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We are indeed far in advance of the time when the Governor-general of Canton refused to receive foreign ministers, and often even to directly answer their notes. We are officially established at Peking, - received by Prince Kung, the most important personage in the land, and by his associates in the Foreign Office, all of them dignitaries of the highest rank, - They receive our visits, and affect in their conversation and correspondence the politest forms of expression, but avoid all intimacy and to shun meeting us in public places. If we at any time intercept their confidential letters, we meet therein that old animus of Yeh, even to this day the most faithful expression of Chinese literary opinion respecting us. Though the Governor-general at Canton, the Commissioner at Tientsin, or the Intendant at Shanghai, may each exhibit a careful politeness bordering on officiousness; it is none the less true, that the lowest official in the interior would hesitate to show us the least

respect,

respect, — for in doing so he would not only not lay himself open to reprimand, but would really rather acquire a good mark with his superiors.

While the high functionaries at Peking and in the open provinces may admit, in their personal conduct, the fact that there do exist other sovereigns equal to the Emperor of China, they have no desire in any manner to vulgarize the idea, — fearing that they would thereby lose their prestige over the nation. Far from wishing to allay the popular passions, and enlighten the masses on our objects, our ideas, and the better side of our civilization, they always incline to take part with the turbulent in raising new barriers, and encouraging the dislike which is created by most absurd and spiteful stories circulated against us.

The officials and literati who — know us, clearly perceive that the growth of our relations with the people at large will be the signal for their downfall; and they

they therefore with one mind try everywhere to hinder and prevent it. So deeply has the sentiment of exclusiveness rooted itself in the Chinese mind, that even now there is not a statesman in the land who – would seek to ally himself with us in order to strengthen his power and influence. If such a party existed, it would doubtless soon make itself master of the situation, and the cover for all the palace intrigues. But nobody dares display such a flag. Those among the grandees who are the most favorably disposed towards us, are obliged to explain their conduct, – and outdo the hostile sentiments of those around them; and we can only give due weight to these protestations as we learn the real feeling of the Chinese.

To give an example. In most – cities, and particularly so at Peking, we are saluted, as we pass along, with the grossest words, and are the bugbear of the children. Let us suppose, for a moment, that the heads of the Legations, disliking

this

this state of things, should require that the authorities to post a proclamation forbidding these insults; I am quite sure that we should fail to obtain anything drawn up in a precise and clear manner.

When I was at Nanchang, the capital of Kiangsi, last winter, the rulers, dreading some abusive words from that fanatical population, rendered so long since by themselves, placarded the streets through which I passed with a notice stating in brief, "The honorable Minister of France has come to this city; he is accompanied by a man of war and an armed escort; be quiet and commit no disturbances; he will remain within our walls only a short time."

It would be unjust to affirm, however, that the last ten years have brought no improvement in our situation. Not to speak of the material results which the treaties have put us in possession, it is still true, notwithstanding the little change in the views of the rulers towards us, of

which

which we have been speaking, that they bet-
ter appreciate the force at our disposal and
the sequence of a contest — and à fortiori, of
an aggression; — so that, if we have not —
drawn their sympathy towards us, nor ac-
quired their confidence, we have at least
impressed them with a serious opinion of
this force, so that the least exhibition of it
would at once or at any time bring the most
obstinate to terms. I am inclined to think
that, in my recent trip up the Yangtsz' R.
the sight of our men-of-war was sufficient
to obtain for us all that the Chinese Gov-
ernment had declared a fortnight before
was impossible.

Since we began to reside at Peking,
we have learned much about the organi-
zation of the country and its resources;
and at this moment, are better fitted to
present our demands, and appreciate their
importance ourselves, and point out the
advantages or otherwise of this or that
political measure. Restricted formerly
to the south of the Empire at points more

on

or less Europeanized, and coming in contact only with people who served us, and whose ignorance or bad faith constantly led us into error, we entirely lacked the necessary information to conduct our dealings intelligently with this strange people. We looked mostly to books for our knowledge, taking Du Halde and the Lettres Édifiantes for our habitual guides; but the China of today is no more like that of Kanghi and Kienlung than the actual Spain is like the Spain of Charles V. and Philip II. We nourished all kinds of crude opinions and illusory hopes about the possibility of influencing this immense portion of the human race in the path of modern civilization and christianity.

Ten years sojourn at Peking has enabled us to see our error. Now and evermore the same, China has no desire to move from the rut of ages, or to be disturbed from its ignorance. She is more than ever convinced of her superiority in race, civilization, ideas, and manners;

manners; and thinks we ought to yield to this opinion, and be contented to admire and imitate her, though that is just what a Frenchman thinks she ought to do.

She has conceded our superiority only in one point, that of arms, whose force and precision are incontestable. Seeing that the Chinese cannot drive us away, they must perforce endure us, though they at heart still cherish the hope that they will one day drive us away. The arsenals at Fuchehau, Shanghai and Nanking have no other aim. Nothing belonging to us - pleases a Chinese, neither our industry, nor our civilization, nor our persons, and the only reason for buying our products is their cheapness, of which the cloths are only worn by the better sort.

We should not entertain any illusive idea, therefore, or believe that we shall be able to make any impression upon this society, and inculcate our philosophy upon its members. Aside from Christianity, whose divine power

is

is not to be reckoned, and which influences wherever it shows itself, we must renounce all idea of propagating our moral or metaphysical systems among this gangrened population. The pride of the yellow race is its invulnerable palladium A Chinaman can submit to force, and accept the situation; but he will never, of his own accord, change the least point in his habits or ideas. It should not be overlooked that the national queue, now so fixed in the usages of the people that they would prefer death to losing it, was imposed on them by the Manchus, only after cutting off millions of heads; but you could never persuade a Chinese that his race is not the perfect type of beauty, and his civilization the best.

To this hour, the central Government affects to put foreign affairs in the second rank, and manifests profound disdain for the interesting questions pertaining to the extension of commerce; and as to matters of international law and the rights of

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man, it is useless to speak of them. The Chinese wish only to accept what may be for their benefit, and whenever we claim some reciprocity, one answer always — shuts our mouth, — "It only proves that nations have not the same usages." If we still insist, the second refrain comes, "When the Chinese are established in Europe they will comply with its forms, here you should conform to ours." I could point out these two phrases in most of the dispatches from the Foreign Office.

Thus our residence at Peking has at least had the negative result of showing the inefficiency of our efforts to bring the Chinese to accept our ideas, and get them with good grace to adopt a line of action more sensible and conducive to their interests. We have not inspired them with the least sympathy, nor any desire to get out of their present pitiable state; caresses and violence have alike failed to obtain this conversion, and the opinions of old Governor Yeh at Canton are still

those

those of most Chinese officers. Their general disposition is to evade the stipulations of treaties forced upon them, and to employ every means to prevent our influence from growing and consolidating.

It is useless to deny this tendency, and it is clearly shown by documents proceeding from the Peking Government, - which now and then chance to fall into our hands. Last year I sent your predecessor such a paper, and others could easily be found. In one of them, Wojin, now the preceptor of the Emperor, wrote that he would like to make a drum out of the skin of the last European in China, on which he could sound out his victory. In another, Wänsiang, who leads the party most favorable to foreigners, wrote a report in relation to the troubles at Yangchau and the intervention of Admiral Keppel, in which he said, "Christianity is notoriously a pernicious doctrine and fatal to China; but as it is authorized by the treaties, it cannot safely be extirpated

by

by force, and we must content ourselves with exhorting the people to adhere more and more closely to the old and glorious customs of China." Lastly, Li Hung-chang, the only military chief of any merit in China, brought out, in a report upon the revision of the treaties, the idea that the day for expelling foreigners had not yet come, and it was therefore best to learn from them everything that could be advantageous to China, but to make no new concessions of any importance.

One must be blind to the actual state of things, if he still cherishes any illusion as to the <u>bonne volonté</u> of this Government towards us, or believes a single word of all the pompous announcements of Mr. Burlingame, promises which it is breaking every day. This diplomat has died in time not to "assist" at the ruin of his reputation, or to hear the reproaches which every Western Government, great and small, would have a right to make to him for having deceived

ceived and led them into a capital error.
I am willing to believe in his good faith,
but I cannot conceal my surprise at
the strange blindness shown in the man-
ner he veiled the real designs of the Chi-
nese Government in the mission confided
to him. Wänsiang and his colleagues were
frightened by the demands of the British
merchants; and believing that at the revi-
sion of the treaty they would be compelled
to accept a new programme, bethought-
themselves of evading the onset by sending
somebody to plead their cause in Europe.
Their choice fell on Mr Burlingame, be-
cause he, of all the foreign representatives,
living in Peking, was the one who had
least defended the interests of his coun-
trymen. Their end in sending the mission
was to gain time as well; and their sur-
prise and that of Mr Hart, was very great,
when they learned that their envoy had
gone even further, and promised all that
they had intended to refuse in sending him,
besides engaging the lesser Governments

of

of Europe to send their representatives to China, giving them to understand that its Government would willingly grant them certain concessions denied to England and France, whose power deterred such a step. It is owing solely to these promises that Belgium and Italy have their representatives now in Peking, and that we expect the Danish and Dutch ministers, and then an envoy from Peru.

Before leaving these general considerations, and entering upon the discussion of the various questions more particularly connected with the revision of treaties, I wish to say a few words upon the political coöperation which western Governments have desired to see established in China, and of which Mr Berthemy, Sir Frederick Bruce and Mr Burlingame were the ardent promoters. No doubt the efficacy of such a policy, honestly and seriously carried out, would make the Chinese always yield. Unhappily, it frequently turned

out

out that in practice this fine theory met with great obstacles, and its history teaches us that just where such a united action would have been most desirable, that there it failed.

When the allied troops blockaded Canton in 1857, Mr Reed, then American minister, far from joining in the ultimatum of his colleagues, did not hesitate to make a merit with Yeh of his pacific attitude; and when two months after, he was at Taku, he admitted the validity of the powers conferred on the Chinese commissioners, whom Lord Elgin and Baron Gros had just then rejected. Again, when the ratifications were to be exchanged, another American diplomat, Mr Ward, notwithstanding the relations (accueil) with Sir F. Bruce and Mr Bourboulon, landed at Pehtang, and submitted to all the possible insults of the Chinese to obtain the ratifications of the treaty signed the year before by Mr Reed. These insults even went so far that Mr Ward

consented

consented not to go out of his house during his sojourn in Peking, and not to communicate with Gen. Ignatieff, who was then in the capital for the same purpose. Lord Elgin and Baron Gros were not themselves always in accord; and in proof of this I want to refer to nothing else than the differences between the texts of their respective treaties.

Mr Burlingame was not always faithful to this coöperative policy, and I think he abandoned it altogether the day he negotiated his famous mission outside of the majority of his colleagues, and when he delivered his famous speech at New York. Nor should I omit to note the last negotiations of Sir Rutherford Alcock, which were altogether contrary to the policy of such a union, seeing that he did not hesitate a moment, and in spite of my protestations, to sacrifice to an interest exclusively English – the transit dues affect only the opium and cotton trades – the silk trade, the only question in which

French

French industry is really interested, seeing that two-thirds or three-fourths of the whole export from China is consumed by the Lyons' weavers.

To conclude my remarks on this head, I would recommend a new line of conduct, and I think absolutely necessary to secure a good revision. First and foremost, it is indispensable to establish beforehand an understanding between the different Western Governments desirous to engage in this negotiation, and completely forestall the intermeddling of those who do not wish to bind themselves to adopt the same programme and the same line of action.

A complete accord could easily be established between France, Great Britain and Prussia, and those states having lesser interests in China, such as Spain, Italy, Holland and Denmark. I have even reason to believe, that Russia, placed between the alternative of subscribing this platform, or of entirely isolating

isolating herself, would no doubt soon conclude to join the others. To be fruitful such a union must be effected in Europe, and be the result of the labors of a commission specially appointed for this purpose, and instructed to decide definitively the projet of a revision which it would be just and necessary to impose on China.

To reach this last result, it would be superfluous to resort to force; the Court of Peking would yield in face of the serious and decided attitude of united Europe, provided that we did not attempt to impose on it humiliating or disastrous conditions, such as would be accepted only the day after a defeat, and strove to bear in mind on the other hand, the habits and even the dislikes of this Government.

For the rest, the negotiations ought to take place between this Commission of competent persons and the Legations at Peking. It would be useless

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to mix up the Chinese Government in these preliminary discussions, whose aim would be to harmonize the interests of all, and settle questions manifestly of common - welfare. Before reaching its definitive shape, such a programme would receive far too many alterations not to make it hazardous to initiate the Foreign Office in the - discussion, and what is still more, not to let it know beforehand the opinions on the questions; for in that case, it would be unwilling to grant even one new - concession, or give a guaranty for the old ones, - merely admitting those reasons favorable to its retrograde views.

When the text of the new convention had once been fixed, it would be necessary to present it to the Chinese Government by all at the same time and in an identical text, with the full understanding that no important alterations should be made. Reduced thus to the - alternative of a refusal or acceptance, the decision of the Chinese would not be

very

very doubtful, especially if some pains were taken simultaneously to assemble in the Gulf of Pechelí all the men-of-war then stationed in these seas. I am aware that this mode of negotiating would not be to the taste of all my colleagues, some of whom still believe in the power of their eloquence over the members of the Foreign Office. Let me, however, Sir, while stating this divergence of opinion to hold on to my own.

Once allowed to negotiate, the Chinese will employ all the artifices of their tortuous policy to destroy the elaborate work of the Commission, against whose existence no one could object. Its scheme would doubtless be just and wise, advantageous to the well considered interests of both parties, while its morality would be guaranteed by the cosmopolitan nature of its composition. The Chinese would only strengthen it the more they exerted themselves to sow strife between the Legations; and to bring this about

they

they would resort to any unfair means; they would stop you at every step; they would make each character the subject of endless discussion; and after their wont would continually start new questions in order to gain time.

With the best intentions, we should thus effect nothing, for it is useless to try to convince the Chinese, who discuss not to find out the truth but avowedly to embroil the question. When they have taken their side they never yield it except under constraint, – at least, what I have here said goes very far to prove this proposition.

At the same time, if this plan be accepted, it must be conceded that the mode of constraint proposed is the most dignified, the most just, and the least costly; and therefore the best; and I am convinced that, if so many personal interests were not involved, everybody, even at Peking, would agree with me, and allow the perfect right that Europe has to unite in order to regulate its intercourse with

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a barbarous government imbued with erro-
neous ideas, and to impose upon it such
things as they had unanimously agreed
were just and necessary.

Let us now examine the propriety
of this revision, and see what are the points
that would come up to be decided. The volu-
minous correspondence of Sir R Alcock, the
reports of the Chambers of Commerce at
Shanghai and Hongkong, and discussions
found in the journals in China and London,
together contain the materials for judging
the whole subject. In the eyes of most of
the foreign merchants in China, the right
of revision means obtaining new conces-
sions. Owing to different circumstances,
and it must be owned largely in consequence
of serious commercial errors, the trade —
or rather the mercantile firms in China —
has undergone a terrible crisis, during
which many fortunes were altogether
engulfed, and which has completely altered
its conditions for the future.

The powerful banks here, such

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as the Oriental Bank and the Comptoir d'Escompte, have facilitated by their immense resources a competition, the first result of which was to ruin the long established and wealthy Houses, and then to concentrate affairs in the hands of natives; - so that now, the position of European firms is that of commission merchants; and even in some cases while bearing the style of European firms, of mere agents - for societies of Chinese capitalists.

This state of things is, however, rather advantageous to our interests; for thereby trade has become more sure, and the custom-house returns show an annual increase in the amount of transactions. This change of affairs has not been accepted very calmly by the merchants in Shanghai and Hongkong and elsewhere, whose profits have been too much diminished to allow them rapidly to amass those fortunes and keep that style, which the records of commerce in the Far East show were attained by some

some Houses. They have tried for some time to supply by speculation the profits wanting on real transactions; but the enlargement of ways of communication, frequency of mails, and the growing proximity of telegraphs, threaten all their hopes.

One resource still remains to these people, one chance of confusion at the revision of the treaties, happily comes to their aid; and we see the unreasoned, and even unreasonable, demands put forth by the British merchants at the ports. They demand to have railroads running through China; they wish to see electric telegraphs placed everywhere; they ask the right of navigating the inner waters, canals, and creeks, as well as the rivers; they seek the liberty of absolute and permanent residence at all the cities in the land, with rights of ex-territoriality reserved; they claim a reduction of the tariff to a large extent; they propose the issue of a currency passable everywhere in the Empire, that all mines be opened, and lastly, that

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a commercial code for trial of mixed cases be arranged.

To these requirements of a general nature, add the local needs of the different communities and the wants of a minor sort, such as the establishment of bonded warehouses, lessening of fines inflicted by the customs, and certain changes in the police regulations of the ports; and the list of exigences is complete. It was also at this time that the question of transit dues was raised by Sir R. Alcock in the discussion of his Convention, but which most people believe is further from a solution than ever.

In the sharp, excited discussion raised by these questions, each side seems to have forgotten the point of departure, to have lost sight of the main point, which was to revise existing treaties and not to make new ones. In the first part of these remarks, I tried to arrange the facts which preceded and brought about the signing of those compacts, and to show

that

that the concessions given in them had realized the desires of a whole generation.

If we examine the treaties concluded with this country up to 1858 and 1860, it is evident that they all tend to the same end, and that Lord Elgin and Baron Gros only crowned the edifice to which each of their predecessors had brought a stone. We cannot entertain the proposal that it is now necessary to change the route, and leave the furrow we have almost finished, in order to begin anew. The treaties of Tientsin and Peking should serve as the bases of new negotiations; for they are good, even excellent, and only need a few changes, a few additions, to meet all the wants of the present hour.

It would require to increase the guarantys where they seem to be inadequate; to resolve questions of principle then only just sketched or referred to; and lastly, to strengthen all the impracticable clauses which now make studies fit only for lawyers and bailiffs for all the Legations and Consulates

Consulates in China. There are misunderstandings to efface, lacunæ to fill up, and legitimate grievances to remove or satisfy; and it seems to me that the best way of attaining a good revision is to deeply study these three orders of ideas one after another.

First, as to the misunderstandings. The leading one is the question of transit dues. While the European trader thinks that he can secure, by payment of a half duty, (that is, half of that levied on the seaboard by the customs,) the free circulation of his goods throughout the interior of the whole country; the Central Government only designs to exempt them from one tax, not from all. The mistake is a fundamental one, a capital one, and I regret to say, an irreparable one. If it was possible to obtain, not at the low rate of half the import duty, but even at the rate of 15 or 20 per cent. upon all imports, the surcease of all internal taxes, and the full assurance that the stipulation

would

would be carried out exactly, I would recommend its immediate adoption, for it would still give considerable profit to the consumer. Unfortunately, no remedy will meet the case, and every convention with this Government on this point - would merely prove to have brought - about an increase of charges on the trade.

The central authorities might desire to fulfill its engagements, and deprive itself of its principal financial resource; but if they did not change the whole administration of the country too, and destroy the venality of the officials, the whole thing would simply be an illusion. Cottons and other European products consumed in the country have always paid before reaching the hands of the consumer, a sum equal, if not even greater, than their prime cost. At the point of debarkation no surveillance is is possible; and hitherto at least no remedy has been found for this state of things.

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In the opinion of all competent persons, the obligation agreed to by Sir R Alcock to pay half duty amounts to a concession of so much pure loss, and will not diminish one cent the legal or illegal demands collected in excess of the internal taxes. Once settle this fact, and have the courage to say so to those interested in the revision, and the treaties of Tientsin are now more advantageous than this Convention in this point, that the payment of half duty is optional, and need never be paid at the port of entry or in its immediate neighborhood, what was called in the old law, le vol du chapon.

If one still desired to supplement those treaties, there is still a complete remedy, or at least a palliative for the trouble, which is to ascertain what can easily be learned the times and places for holding the fairs throughout the country, and insert the right for our merchants to resort to them in any numbers for trade. If necessary they might be accompanied by an agent empowered to act as consul.

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The greater part of the barriers would thus be avoided, and the middlemen too, and we should not only come into direct contact with the consumers, but in a manner quite unlike the usages of the general trade with its brokers and compradors. The merchants of Shanghai will hesitate to enter on such an enterprise, which will force them to busy themselves in details, and in a manner to keep shop; but I imagine that there are plenty of young men in Europe who would be delighted, even at the price of some special study, to find such an employment for their time and best efforts. I give you this idea for what it is worth, and will be happy to learn that somebody else has found out a better; but in regard to this whole question of transit duties, as I have often observed to your Excellency, I believe it to be needless to remark further now, whatever importance it may otherwise possess.

There is another misunderstanding in politics not less grave than the last,—the right granted to the Catholic missionaries

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to establish and acquire in the interior of China. On this very serious point, the texts of the French and Chinese treaties are not the same; and I regret to add that the French text is the least favorable to our side, and that, in cases of dispute it is the one to - which we are bound to appeal.

Mr. Berthemy, with rare tact, - availed himself of an opportunity to arrange this difference, and obtained a satisfactory declaration from the Chinese Government. These are the facts. The XIII^th art. of the treaty of Tientsin contains this stipulation:- "The members of all Christian "communities shall enjoy entire security - "for their persons, their property, and the - "free exercise of their religious rites; and "full protection shall be given to missiona- "ries who wish to go quietly into the inte- "rior of the country." The Chinese text is even more explicit. The XI^th article of the Convention of Peking, reads, - "And the "missionaries shall be able in every prov- "ince to rent [and] buy cultivable lands and

"others

"others at their pleasure."

To end the discussion, Mr Berthemy proposed, and the Foreign Office agreed, that the missionaries should buy in the name of the Tien-chu Tang (lit. the House of the Lord of Heaven) that is, the Church. The missionaries have no objection to this interpretation, provided that it continues to denote their congregations, so that under it all confusion will be avoided. It is highly desirable that this question should be settled in the approaching revision, especially as it is now objected to by neither of the parties.

It is equally desirable to bring to an end the interminable questions continually coming up about the restitutions stipulated for in the VI^th^ article of the Convention of Peking. All the reclamations still pending are more or less doubtful, and every one of them presents insurmountable difficulties, besides being the cause of much of the hatred and mischievous quarrels now existing. If we

can

can say that all the old establishments having been restored, there is no longer any reason for retaining this VI^th article; then we can demand that, in exchange for it, the bishops, or chiefs of the missions, shall have the right of personally (vive voix) explaining their affairs to the highest authority in the city, whatever may be its rank.

The want of these personal relations causes great embarrassment, and it would be of the greatest benefit to remedy this state of things, both for the tranquillity of the Legation and the welfare of the missions. However, this question should not be treated at the time of a general revision; for France, being the only party interested in its arrangement, should make it the subject of separate articles, as was done in 1858 in the matter of demanding reparation for the murder of Père Chapdelaine.

In regard to the second subject, that of lacunæ to supply, the most important, doubtless, is that relating to the reception of —

foreign

foreign ministers by the Emperor of China, and the ceremonies to be observed on such an occasion. It should also be decided, at the same time, what are the privileges and rights of the corps diplomatique, and to bring to an end those humiliating exceptions to which its members are now subjected, and which this Government never lacks an opportunity to make them feel.

I consider the reception of the diplomatic body by the Emperor as the finishing touch of our policy, and the most necessary and important concession now to be obtained; for not only is it demanded for the dignity of our governments, but it is the necessary consequence of our sojourn in Peking. If it was in former days judged to be useful, - even indispensable - to pass by the Governor at Canton and other provincial authorities, in order to get into the capital of the Empire, we at this hour find ourselves in an analogous position. Prince Kung and the Foreign-Office replace Yeh or the Governor of

Kiangsu,

Kiangsu;. and whenever we speak of it, they urge its impossibility, or they happen to be taken up with the course of certain questions, Meanwhile, this will pass beyond their jurisdiction.

It may be difficult to say certainly what there is in these assertions. It is possibly only a pretext to gain time, and stave off certain measures contrary to Chinese policy and feelings; but it may very likely be a reality, to which the Emperor's approaching majority gives an actual importance. Real or assumed, this argument is the ultima ratio of Chinese officials; and when they advance it, all arguments are useless, for it is too convenient to be abandoned. Many times I have had to yield to it.

Once, however, driven to the wall by this vis inertiæ; and feeling that if I did not do something, my conscience would reproach me for the recent murders of the missionaries, which I could prevent by more firmness, I passed the Foreign Office by, since it refused to do anything

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in the matter, and resolved to address myself directly to the Emperor. Some degree of success attended my hardihood. My letter was received, and the Emperor answered it by a decree suitable enough in its form. The readiness with which the Foreign Office forwarded my letter proved, that if its members were not ready to lose an argument so pat for their views, - they really were not greatly displeased with a step which blinked their own responsibility.

It is undeniable that certain questions ought to be decided by the Emperor or Empresses; and that the Foreign Office, either from a dislike to expose an unpalatable truth in their hearing, or from fear of requesting orders against powerful personages, which might bring on a struggle for mastery that would victimize itself, has never memorialized the Throne upon these questions. One cannot surely say that even a part of the truth respecting them has ever been

been spoken, ——·:— . or that insufficient and incomplete orders have been in consequence received as to their management. - It is therefore necessary for us to be in a position to ascertain the whole truth - respecting the right and manner of securing a legitimate satisfaction for our grievances.

But this faculty of addressing the Emperor directly, and in some degree throwing on him the responsibility of the acts of his Government, however much it may be the crowning act of the policy followed towards China by Europe for - more than thirty years past, will not be the only advantage which we should enjoy through the audience. It would really cause a revolution in our position here. Henceforth, it would be impossible to hide our existence from the nation; and if the disdain of the officials and literati was at heart still vigorous, it would become dangerous for them to let it be manifested too publicly, or as at present

to

to make it a reason for landing themselves among the people.

The members of the Foreign Office and the Governor-generals of the provinces near the open ports, understand perfectly that the audience will take place, and is the inevitable consiquence of our present position; but they seek how they can put off the hour, and particularly, can escape the charge of having had a hand in it. In their private conversations with our interpreters, they say less against the thing itself than against the possibility of negotiating upon it. They do not, it may be, so very much dread the consequences of such a novelty, — but then it is a novelty, and that is what troubles them. Their policy, their education, their habits of action, are all hostile to change of any kind.

I believe that all Europe is of one mind in admitting the necessity of settling this question; and most of its governments, when they received M. Burlingame, did so on the tacit understanding

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ing that their ministers should ultimately be admitted in like manner at the Court of Peking. There is therefore no occasion of insisting further on this point, and the need of filling this lacuna when the treaty is revised; but opinions are divided on two points, 1st When will be the best time to settle the ceremony; and 2d Whether a code of etiquettes, defining the honorary privileges and rights of the diplomatic corps, and regulating all the circumstances of official life, - should be decided before or after the reception.

As to the first, everybody is agreed that the favorable moment will be when the majority of the Emperor is declared; and certainly this is a happy juncture, of which belike I may be the first to profit by, if it should come soon. But I am afraid that the day of his majority will be indefinitely postponed, for people are constantly telling us about his distelish for study, and his great liking for

sports

sports and boyish pastimes. Nothing on the part of the Ministry, and still less on the part of the Empress Regents, indicates any notion of their soon resigning the reins of power into the hands of their August pupil.

The whole situation, I am well aware, can be changed at any moment. Let the Emperor only say, "I am of age!" and everybody will prostrate fall, and cry out, "You are of age!" Kanghi declared himself to be of age at fourteen, but he was a prince of rare ability; and during a reign of sixty-one years, he gave most striking proofs of his wisdom and energy. But nothing in the present case indicates the least decision. Reared among women and eunuchs, and report says, addicted to precocious excesses, we should not be borne out in reckoning on any decided will on his part; and about the worst thing that could happen in the matter would be, that he would be urged by some familiar

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to enact such a coup d'état in favor of his courtiers and intimate associates. All our information leads us to believe that the young Emperor has no decided character and individuality, and that he will continue to be an instrument, a fetish in the hands of leading statesmen.

The influence of this personage is therefore not likely to change the actual state of things; and I do not see the great motive for waiting many years till his majority to accomplish a ceremony essential to our interests. However, to conciliate all opinions it may be possible to place a limit; say 1873; at which time, if the Emperor's majority had not been proclaimed, we would pass it by and demand at any rate to be admitted to his presence. I give the year 1873, because then the Russian treaty is to be revised, and that will probably be the term of a general revision.

As to the second point, – if it is worth while to decide by a formal code

of

of etiquette, not only the details of the audience at Court, but all the circumstances of our official life, I cannot understand, for my part, those persons who do not attach great importance to a full equality; who, having a dislike to certain ceremonies contrary to their personal dignity, such as kneeling or prostration, are still quite willing to renounce everything like an external exhibition of their quality. For my part, I dislike constraint, and am always ready for a joke at what we call the pomp of Asiatic pageantry; and it is not in the least for my own pleasure that I desire to be escorted by ragged soldiers, or accompanied by servants disguised as if out on a Shrove-Tuesday, and carrying before me a red cotton parasol, or a row of gilded signboards; but we must remember that the Chinese is the most formal of nations, and everybody among them lives on fiction and conventualities. For thousands of years, they have been accustomed to see

their

their rulers going abroad with all this parade, and to estimate the power and position of a man according to the color of his carriage, the shape of the tiles on his roof, the location of the wheels of his cart, and the number of buttons on the caps of his followers. To wish to do away with all this at one stroke, and change the usages and esprit of the people is an error, and we are the ones who have suffered from it ever since we came to Peking. That which is possible at Shanghai, Hongkong, or Macao, or at the half-Europeanized ports, is dangerous at Peking, where we form the infinite minority.

You may say, that the equipage which follows me when I go to see Prince Kung will have no influence upon his answer. Just so, but it will assuredly spare me most of the abuse with which I am daily loaded in the streets, and this result will be something.

This code ought also to include

more

more important things. It ought to regu-
late the ceremonial observed by differ-
ent ranks of officials towards us, and
oblige the Chinese Government to ex-
hibit such manifestations of respect
when we reach its territority, as are
due to our rank, and indispensable
for the accomplishment of our mission,
and without which the populace will
never have any respect for foreigners.

I should be surprised that
the English, who have so well under-
stood the importance of these points
in India, and have carried to an ex-
treme the prestige surrounding their
functionaries, have been so indiffer-
ent to the same thing in China; did
I not observe how little account they
make of the difference between a ple-
nipotentiary, a consul, and a merchant.
Trade has always taken the wall in
China, and Ministers have too doubtful
and too humble a standing at the
ports to be able to alter this state of things.

I

I have had long experience in Asiatic affairs, whose features change according to the county, but whose essence is everywhere the same, and I venture to affirm that the reception of foreign ministers according to our European forms, without kneeling or any appearance of servility, and the conclusion of a good code of etiquette, would do more to advance our position in China, than all the custom-house regulations possible. If we ever wish to acquire a real influence in China with its Government, an influence that will permit us in the best way to protect our interests, this is the only means of doing so, and not in contriving ingenious combinations, but more or less impracticable. Among all Asiatic nations, the head must first be attacked, for example and the word of command proceed from the top, — there being no such thing as public opinion.

It is therefore upon the Emperor

peror and his courtiers that we must act to obtain the reforms which we judge to be necessary, and the concessions which are desired. Properly received at court, the native officials will hold us in due honor, and receive us in their turn, their pride giving way to their interest. One word more and I finish this point. Can it be understood in Europe, that the position of a representative of France or Great Britain, or of every other power, is in China the subject of humiliating restrictions; and that, for instance, certain thoroughfares in the metropolis, open to everybody wearing an official hat, are interdicted to him by a special decree?

Another lacuna to be supplied in the revised treaties is that of a mixed code, applicable not only to Europeans of different nationalities residing in this country, but likewise to the natives in their relations with foreigners. In the old treaties, each Power claims jurisdiction over its own subjects,

jects, from whence has arisen a series of troubles, easily understood by whoever has taken part more or less in oriental questions, — especially, if it be noticed that among the interested parties are found two of the most exclusive peoples, the most enamored with their own institutions, and the least disposed to conciliate, viz. the Chinese and the Americans. At present, it is necessary at Shanghai to vary the forms of mercantile contracts according to the nationality of the contracting parties. This state of things is so intolerable as urgently to demand a remedy; — and I may observe on this point, that the Chinese would not be the most recalcitrant, but would be disposed to accept a code founded on European principles.

It is true that the present state of things is deeply resented by the native merchants, and it belongs to occidental honor to see that a stop is made to the injustice committed by our countrymen.

trymen. This point will not, I think, be difficult to arrange, as there are already precedents for it in the Orient; and it may be that the United States would countenance such an arrangement. Their laws are probably excellent on their own soil, but inapplicable to a cosmopolitan society like that at the ports in China, where interests the most varied and complex are constantly liable to be thwarted.

The labors already spent in settling the new codes now in force in Egypt would seive, no doubt, as the basis of a cosmopolitan legislation in Chinese ports, and aid in wisely and justly arranging one of the most inflammable questions connected with our position in this land. It is equally important that this new Code should embrace criminal as well as civil cases. The ports in this part of the world are frequented by the riffraff of mankind; malefactors, too wellknown in other parts of the East, cast themselves on China,

where,

where owing to its weak government and the cowardice of the people, most atro. cious and cruel acts of piracy are com. mitted by them with bold impunity.

This most shameful laxity is - obtained under the color of law as well, for while the treaties resist the applica. tion of Chinese jurisdiction on the one side, on the other the judicial powers confided to most consuls are inadequate to secure the punishment of criminals. Sometimes the most dangerous malefac. tors belong to a nation having no treaty with China; in which cases, by a misap. plied pity in my view, that is imposed by public opinion at the ports, they are withdrawn from the cognizance of the Chinese, who are however perfectly au. thorized to judge them, under the plea that it would not be proper to see Euro. peans tortured or given over to the cruel and spiteful will of the mandarins. I admit that there is some truth in this - sentiment, which one would not destroy;

but

but then, too, the dangerous alternative of letting a crime go unpunished because the author is a foreigner and his victim a Chinese. is a doctrine, I frankly own, that I am opposed to.

This question of a mixed code being settled, another point not less important could then be more easily arranged, one of the desiderata for which the foreign merchants are most clamorous, — I mean the right of going into the country for trade or any other purposes, either to travel or to settle. This concession is the end of the most urgent representations of nearly all the foreigners settled at the ports, whose opinions upon it have been asked. The object of the merchants in insisting on this right so strongly is to diminish the number of hands through which their goods will pass, now so many that it leaves them the thinnest profits.

It depends almost wholly on one's standpoint how he regards the —

solution

solution of this question. If he has in-
mind only the interests of trade and-
traders, he will no doubt regard it as be-
neficial, even indispensable, to obtain
from the Chinese Government a con-
cession, whose results would be as good
for the native consumer as advanta-
geous for the foreign exporter. It is
undeniable that goods passing directly
from the hands of the foreigner into those
of the consumer, will pay an amount of
charges much less than when go through
intermediaries, and consequently can be
delivered into the hands of the latter at
a much cheaper rate. This is the end for
which residence in the interior is sought
by traders.

Living there would not be less
advantageous for the exporter too, since
it will permit him to oversee the pre-
paration of his goods. This is sometimes
of serious moment, as for instance, as I have
before mentioned, in the case of tea and
silkworms' eggs. The Russians who reside

neas

near Hankow are enabled to oversee the preparation of their teas destined for Russia; whereby the Chinese cultivators and the Moscow traders find themselves admirably placed, - one is assured that his goods meet with a ready sale, and the other that his tea suits his customers.

But the reverse of these advantages is found in the difficulty of compelling the Chinese Government to allow the residence of foreigners in the provinces, who are exempt from any jurisdiction at all. The fact is, if we will not agree that our countrymen shall come under native control for a single instant, under officials who resort to torture and bambooing, and whose grotesque and antiquated forms are as odious as they are unjust, offering no guaranty of morality or impartiality; it will not be the less absurd, on the other hand, to permit any individuals, French, English, Prussians, or any one

else,

else, to pass beyond all restraint of police, which would certainly be the case just as soon as they had gone far enough from the consulates to escape their surveillance. It must be borne in mind too, that this right of living in the interior will be oftenest demanded by individuals who can give the fewest guarantees. Most frequently, they would be such adventurers as had not been able to secure situations at Shanghai or elsewhere, and had concluded to try their luck in the interior.

Now, if I demand that the presence of violent and haughty foreigners, whose habits or position afford no security for their conduct, shall be imposed on the masses, would they be safe in the midst of a hostile and irritated population whom they had provoked? But, on the other hand, can we subject ourselves to send a consul after every adventurer to watch him, as well as prevent attacks on him? Suppose too,

if

if he renders himself culpable by attacks on the persons or property of the Chinese?

As a final remark, I would observe that the adoption of a mixed code would somewhat simplify this danger, inasmuch as it would be able to regulate the manner of arresting foreigners in the country, and likewise check the authority of the Chinese, if it should overpass its limits. The mandarins ought to be allowed only to arrest disturbers of the peace and send them to the nearest port, where there should be ample agencies for securing the interests of both parties.

In spite of this possibility, I confess that I still remain indisposed to allow entire liberty in this matter, which after all presents more embarrassments than advantages. I will therefore only say, that we should establish the principle, that in whatever city it may please any foreign Government to establish a salaried consul, there that

place

place becomes de facto open to foreign trade. I deem it to be useful, perhaps necessary, to open China as much as possible; but it is equally dangerous and impolitic not to restrict this right within limits which will permit us to remain masters of the situation. We see missionaries, whose calm and regular lives are not calculated to excite the vengeance of the people, running very serious dangers, and even losing their lives in quarrels; what would it then be with adventurers, whose provoking conduct and irregular habits would constantly stir up strife and vengeance?

China ought to be opened up gradually, step by step, just as fast as foreign wants make it desirable. It would, for instance, be foolish to plant ourselves down in the province of Kweichau, before we had obtained a solid base in the province of Szichuen. Let us first put consuls at I-chang and Chungking [on the upper Yangtse]; and see what

should

should be done next. Just now, however, it would be wholly imprudent to place either a consulate, or a European establishment, in any place which a gunboat could not reach.

My observations upon the right of residence in the interior apply also to the navigation of the inland waters. We ought to circulate freely on the rivers and great water-courses, but we should keep out of the internal canals and sluices, where we have nothing to do.

On all the preceding, I propose the following solutions:—

1st Foreign governments should reserve to themselves the right to put salaried consuls wherever their interests may require.

2d Foreign vessels, drawing at least ten feet of water, should be permitted to go where they pleased.

Among the demands of the foreign merchants at the ports are the establishment

establishment of lines of telegraphs and railroads, and the opening of coalmines and other minerals, in which the soil of China is so rich. It seems to me impossible to seriously uphold these reclamations; nor can we force this Government to promise, by political treaties, to decide questions belonging wholly to the domain of private rights. We ought to advise it to enter on this path, but we could not constrain it to do so without, by that very fact, jeopardizing its existence.

To conclude this examination of the demands put forth by foreign merchants in China, I must say a few words about the tariff. It is necessary to be very cautious in the questions connected with this point, except on the article of Tea. The tariff of 1858, settled by the conventions at Shanghai, is under five per cent. ad valorem; and as liberal as one can wish — in truth, it seems to me altogether unreasonable to

desire

desire its reduction. In undertaking such a negotiation, we shall risk the effort, on the part of the Chinese, of their bringing forward some equivalent demands on their side; and just here was the quicksand of the Alcock Convention. By seeking to relieve some insignificant articles, as tin-plates, clocks, hewn timber, &c; this diplomat gave the signal, and the Chinese instantly met it by demanding a higher tariff on opium and silk.

In my third class of subjects, is one serious grievance, of which we ought to demand the alteration, viz. the application of the tonnage dues. In the treaties of 1858, it was perfectly understood that the money collected for this purpose should be applied to the improvement and benefit of the ports, lighting the coasts, and generally to those expenses which were demanded by the amelioration of the navigation in these waters.

For ten years the product of this

(75)

this tax has been otherwise employed.
The coast of China is the worst in the
world, and lighted the poorest. The
bars at the mouths of the rivers have
never been dredged, and the harbor
police is the subject of general com-
plaint. All the protestations of the Le-
gations and Consulates on this subject
have been of no effect. Everybody is
aware that the proceeds from the ton-
nage-dues have been applied to other
ends, of which the public has not been
called to judge the propriety. It is even
charged that the funds for the Bur-
lingame Embassy were taken from this
reserve, and that part of the revenue
accruing from this source has been di-
vided between Chinese functionaries and
custom-house employés. It might be dif-
ficult to prove officially facts not alto-
gether unimportant to the honor of
the Customs; but it is requisite in future
to regulate this matter, and have the
accounts for tonnage-dues and their

application

application presented either to the consular body, or to the Chamber of Commerce.

I also think it would be desirable to augment the number of intermediaries between ourselves and the Chinese Government. The more members there are in the Foreign Office the less dangerous would they become; and it would be well to improve the opportunity to return to the plan of a committee in place of one inspector general of customs.

The revision, of which I here propose the plan, may be briefly limited to these six articles:-

I.- The establishment of a Mixed Court, which shall decide by a special code, questions arising between Chinese and Europeans, and between foreigners of different nations.

II.- To decide in our favor the question of the imperial audience, and have it guarded in a code of etiquette.

III.-

III.– The right of foreign governments to establish consuls wherever they judge proper, and to declare that such an appointment carried with it the opening of the place to foreign trade.

IV.– The right of navigating all streams with vessels drawing not less than ten feet, allowing them to go wherever they please.

V.– To establish a control over the tonnage-dues.

VI.– To revise and fix the meaning of all clauses in former treaties liable to different interpretations.

All these points are more or less political; and if any one takes occasion to show surprise at the little importance which I give in them to commercial questions, since I have raised none; or if I have simply tried to show clearly that the existing treaties fully provide for the wants of even so vast

vast a trade as that of the West with China, let it be known that it is because I regard the whole difficulty to lie in procuring their complete execution. It belongs to diplomacy to obtain guarantees when they are wanting to this end; and I maintain that the admission of the diplomatic body at court, the enlargement of our consular establishments and of our companies for navigation, with the preparation of a mixed code, will fully assure the prosperity and security of commerce, and development of the industry of the West against that of the Celestial Empire.

I have, &c

Mr Pratt

DEPARTMENT RECEIVED APR 24 1871 OF STATE

DEPARTMENT RECEIVED APR 24 1871 OF STATE

No 53

Desh of 8 March also No 53

Frederick F. Low

— to —

Department of State

Peking February 23 1871

Acknowledges receipt of
Department dispatch No 27
in which was enclosed a
Commission for Mr Jarrett
as Consul at Canton

No 53

Legation of the United States
Peking February 23 1871

Sir:-

I have the honor to acknowledge the receipt of your No 27 of December 9th last, enclosing a commission for Robert G W Jewell as Consul at Canton. Your instructions with reference to procuring the recognition by the Chinese Government of Mr Jewell in his Consular capacity, will receive due attention

Your despatches Nos 24, 25 and 26, are still missing

I have the honor to be
Sir
Your obedient servant
Frederick F. Low

Hon Hamilton Fish
Secretary of State

Appointment

Mr Frelinghuysen

Ch
Imp

Recd 22 May.

No 53½ One Enclosure

Frederick F Low

_____ to _____

Department of State

Peking March 8. 1871

Enclosing copy of a letter to the King of Corea, informing him of the intention of the Minister of China to visit Corea for the purpose of negociating a treaty

No 53 One Enclosure

Legation of the United States
Peking March 8 1871

Sir:-

I have the honor to enclose copy of note which I have written to the King of Corea, original of which and a translation in Chinese have been forwarded to His Majesty through the Chinese Government.

This step seemed to me advisable for several reasons; 1st I deemed it wise to inform Hon Hamilton Fish the Secretary of State

the Corean Government in advance of our intended visit and of its objects, and that our intentions are peaceful unless compelled by their action to pursue a different course.

2°. By adopting this mode of sending the note the Chinese Government would gain a full knowledge of our plans and purposes, and would be likely to accompany it with wholesome advice to the Coreans; — to accede to the moderate demands or would make rather than risk the consequences that would come, sooner or later, of a peremptory refusal.

3°

3c It seemed in every respect desirable in the present unsettled conditions of affairs in China, that the Government should be thoroughly convinced of the peaceful nature of this expedition, so that in case of non success the result could not be construed as a defeat in any proper sense, and thus lessen the Chinese estimate of our National power. To ask Prince Kung to send the letter, with an invitation to read it prior to sending, seemed the best mode of accomplishing what I had in view, and at the same time not disclose

my

my real purpose so far as
this Government is concerned.

The French lost
prestige with the Coreans and
also with the Chinese, by their
failure in 1866, to punish the
former, after announcing
by proclamation and otherwise
their hostile intentions, and
warning the Chinese not to
intefere. Many here
affect to believe that to this
more than any other cause
is to be attributed the hostile
attitude of the Chinese towards
the French. My opinion
however, is, that while the
Corean defeat has undoubtedly
had

had some influence for evil,
the real cause is much
deeper rooted and more serious
than any reports of success
or non success in chastising
the Coreans.

Trusting that my action
will meet the approval of
the President,

I have the honor to be
Sir
Your obedient servant
Frederick F. Low

Enclosure

No 1. Frederick F. Low to the
King of Corea March 7. 1871

Enclosure No 1
Dispatch No 53

Frederick F Low
Appointed by the President of the
United States of America as
his special Envoy to the King
of Corea, wishes His Majesty
health and peace

During the past years
American merchant vessels have,
in their voyages between China,
Japan and their own Country,
been obliged to pass by the Coasts
of your Kingdom in the seas
lying contiguous. In the fruitless
prosecution of such voyages, these
vessels may, perhaps meet with
dense fogs, in which there would
be danger of loosing their way
among the islands and Channels
so as to be exposed to great
hazards

hazards, and would need pilots
to shew them the way; or they
might spring a leak and need
repairs; or in some cases
founder altogether and their
crews need rescue; or lastly
they might be in want of provisions;
In all such cases it would be
necessary to go on shore, and there
they ought, in such emergencies,
to be received and treated with
humanity Neither Corea
nor the United States can be
indifferent to such contingencies
which would affect them both
It is the usage of
the Government of the United
States to take great care of
its sailors and traders who go to
other

other countries; it has to devise means for their protection, or to seek ways to rescue them as soon as it hears of their misfortunes and misery, and bring them home. It is for these reasons that the President has directed me to temporarily leave my post as his Minister to China, and go to your country in order that we may consider and manage about these matters.

It is a fact that the Japanese, about twenty years ago, misused some American sailors so that they died under their hands; or he execution the President in the year 1853 sent an Admiral as his

Envoy

Envoy with a fleet to that Country and he made a treaty with it. Since that time there has been no cause of strife; which is a clear demonstration of the beneficial results of such a course of action

It is also known that the American vessels went to Corea in 1866. One of them was wrecked and the vessel lost but the crew was rescued and treated with kindness. The crew of the other vessel was killed and the cargo destroyed. The American Government does not know whether the Coreans knew what flag these vessels carried, nor can it learn why

1 such

such very different treatment
was exhibited towards them;
but it wishes to inquire into
the circumstances; and in doing
so the same method is adopted
that it took formerly with the
Japanese Government

The undersigned will
therefore proceed to Yedo with
seven-of-war under the command
of an Admiral, in order to add
dignity to his mission, and not
with any intention to cause fear
by martial display. We can
then consult with respect to three
matters interesting to both countries.
The object of this mission is
to guard against causes of angry
disputes in the future, so that

if

If any American vessels or their crews meet with trouble, and mode of conduct for relieving them may be agreed upon at an early day, and they suffer no hardship or ill treatment. The Government of the United States has so much regard for its fellow and countrymen, that it will not permit others to oppress or destroy them.

When the ships of war reach the coast they will not be felt the least suspicion of their designs, nor the least alarm among the common people, as they come with the most friendly intentions, so will they expect to be received with the same

same Kindness; but if strong precautions
are taken to keep them away, they
will soon themselves bring down such
treatment as the case may require;
and on whom will the blame rest?

The American Government and
China having been on amicable
terms for many years, the under-
signed has obtained its good offices
to send on this letter in order to
inform the Corean Government
of the orders of the President, and
that he expects to reach the coast
of Corea within the next two or
three months. The Admiral
will accompany him with his
Squadron. He will expect to
meet a high officer at this
anchorage with whom he can
confer

confer and through whom he can communicate

He feels assured that His Majesty, the King of Corea will regard this mode of procedure as the best to effect the end in view. He avails himself of this opportunity to renew His Majesty every happiness

Dated and Sent from the Legation of the United States at Peking on the 7th day of March 1871

Frederick F. Low
Special Envoy to
the King of Corea

Adv May 22 Mr Pratt

Ackd 22 May

No 511 Three Enclosures

Frederick F. Low

to

Department of State

Peking March 10. 1871

Enclosing a correspondence between the French Chargé d'affairs and the Roman Catholic Bishop of Peking concerning indemnity for loss of life and property by the mob at Tientsin June 21st 1870

No 54 Three Enclosures.

Legation of the United States
Peking March 10 1871

Sir:-

I have the honor to enclose herewith a slip from the "Oriental China mail" published at Hong Kong, which contains a letter from Monsigneur Delaplace, Roman Catholic Bishop of Peking, to the Chargé d'affaires of France, concerning the money which the Chinese Government has paid into the hands of the latter as indemnity for the property of the

Hon Hamilton Fish
Secretary of State

Church

Church destroyed by the mob
at Tientsin, and for the lives
of the Priests and Sisters of Charity
who were killed. The reasons
for the unusual course of the
Bishop in permitting this letter
to be published are not apparent,
unless he is desirous to add the
force of public opinion to the
pressure which the Church can
bring, to induce the Government
of France to set aside the virtual
settlement of the Tientsin affair
which M Rochechouart has
made with the Chinese

In the formal personal
interviews which I have had
with the Bishop since he came

to

to Peking I became aware
of the difference of opinion
that existed between him and
his political representatives.
I was informed by the Bishop
of the substance of this
correspondence, and could have
obtained copies of this and
other letters had I been inclined;
but not desiring to mix in con-
troversies with which neither I
nor my government had any
direct interest I contented
myself with listening to whatever
statements the Bishop had to
make voluntarily, without entering
into any discussion as to the
merits of the controversy or offering
any

any advice

The Bishop must be ~~a~~ misinformed, or he would not venture to make the statement that the expense of rebuilding their establishments at Tientsin will be "double or triple the "ordinary cost", and rather overestimates the peril when he says that the rebuilding now "would be almost equal to the "preparation of material for new "incendiarism, fresh pillage and "further massacres". It is not impossible, or hardly improbable, that riots will again occur in places where the Roman Catholic Establishments

are

are located; nor will a monument such as is demanded prove a sure preventive of further trouble. It would undoubtedly do good, and I should be glad to see the demand complied with. Words, whether contained in proclamations, or decrees from the Throne, or engraved upon marble monuments, will not remove the suspicion entertained by the mass of the people in regard to the designs of the Missionaries, and until some better understanding can be come to between them and the officials and people where they reside, they will not be

pacified

justified in hoping for absolute security; and until a plan can be agreed upon for some sort of an inspection, — periodically, which will have a tendency to do away with the secrecy and seclusion of the Sisters establishments, neither these institutions nor there occupants will be freed from constant danger

With reference to the system of money compensation for the lives of missionaries, it is to be hoped that the cause of the Dash may be corrected in the future. I quite agree with the Bishop as to the harm

harm which such a system gives rise to; and should be glad, for the sake of the safety and welfare of all foreign residents, if the views he takes should be concurred in by the French Government, and become a part of its policy in the final disposition of all cases of this character.

Since writing the foregoing the French Chargé has handed me a copy of his reply to the Bishop, with the request that it may accompany the letter of the Bishop, in case I deem it advisable to send this document to my Government.

I

I, therefore, beg to enclose
2/ the letter of ~~Mr. Ko~~ checheo mark
3/ with a translation of same.

I have the honor to be

Sir,

Your obedient servant

Frederick F. Low

Enclosures

1. Published copy of letter from Monsignor Delaplace, Bishop of Peking, to Count Rochechouart, concerning the indemnities for injury to life & property, suffered from the mob at Tientsin

January 3 1871

2 Reply of Count Rochechouart

January 7 1871

3 Translation of M. Rochechouarts letter

Enclosure No 1
Despatch No 64

From the Hong Kong "Overland China Mail" February 22. 1871

Copy of a letter from Monsignor Delaplace, Roman Catholic Bishop of Peking, to Count Rochechouart

(Translation.)

PEKING, CHURCH OF THE SAVIOUR,
Jan. 3*d*, 1871.

M. le Comte,—The object of this letter is to express a last word touching the Tientsin indemnity. On the 28th September last, at the moment I put foot in this Mission, it was announced to me that a sum, fixed by the Chinese Government and accepted by the French Legation, would be remitted to me. I declined acceptance altogether, without, however, positively refusing to explain myself. I had the honor, M. le Comte, to address you something in these terms:—"In the Tientsin Tragedy I see three things—1st, an atrocious crime; 2nd, a cruel injury inflicted on all Europeans in general, and particularly on us French Catholic Missionaries; and 3rd, very serious damage and losses that have ruined our property. The crime should be punished; the damage compensated for. The punishment of the crime does not so much regard me; that is the affair of the Minister Plenipotentiary and the Chinese Mandarins. I am only permitted to wish, with every one, that justice should be dealt out so as to prevent henceforth similar catastrophes. As to reparation for the injuries, I as a European unite with all who claim satisfaction, so that a guarantee for the future may be obtained; and as a Frenchman, and Bishop of this mission, I have not only the right but it is my duty to demand that a determined line of action will be adopted so that a solemn and durable guarantee may assure for the future the tranquillity of our establishments. I would then propose that a monument should be erected by Imperial decree, on the river bank between the French Consulate and our ruined Church, to consist of marble, with tile of the Imperial yellow, bearing an inscription reproaching and stigmatizing the acts of the perpetrators and instigators of the massacre of June, and energetically denying the calumnies which are still allowed to fall on our Mission and our Sisters of Charity. These conditions being settled, we shall then come to the question of indemnity. So long as the crime has not been sufficiently punished, so long as the injury has not been fully redressed, I reject all offers of money."

These were my words, M. le Comte, and you have willingly accepted them as conveying the wish to come to some arrangement, and you will readily admit that, having been only two days in a position to consider the affair in its true light, if upon reconsideration I would have shown some want of consideration for having hastily pressed upon the

Also, when I set out for Peking on the 30th September, you said to me "Well, this money will remain deposited until you give instructions;" to which I replied that, so long as it was deposited, it mattered not as to instructions, they will come later. *Positis ponendis*; that is to say, enforce the conditions above stated.

Remark well here that, up to the present, I have given to no one a word of instructions or commission concerning this indemnity of Tientsin—absolutely none, directly or indirectly, in words or in writing. If then anything may have passed concerning this matter in my name, I declare it has been done against my wish and intentions.

More than two months have passed; and having consulted the persons concerned and examined the documents, these are the conclusions to which I have come:—

Two sums were mentioned in the despatches. The first of these sums is a compensation, for the ruin of our property, of Tls. 210,000, obtained by Prince Kung for the losses sustained by the religious establishments. This despatch, dated Peking, 15th Sept., allows us Tls. 90,000; and we accepted this sum, *provided* that the conditions claimed by us as a guarantee for the future were fulfilled—that if the said conditions were not admitted, then we would accept nothing whatever. Permit me, M. le Comte, to make some explanations. I said, First, *That we would not accept this sum of Tls.* 90,000. It is believed by the public that this indemnity, which is supposed to include punishment as well as compensation, exceeds generally the real loss sustained. This may be the opinion of others, but it cannot be ours. One of our missionaries has said it would be, and it is true that Tls. 50,000 or 60,000 would have been sufficient compensation; but lstly, this missionary was contradicted by all the others; 2ndly, Can they estimate the value of things stolen? 3d and lastly, When we possessed influence and commanded respect we were then in a position to replace our loss with say Tls. 50,000 or 60,000; but now, resting as we do under the ban of the people (who are almost debarred from selling anything to us), it is

impossible to replace our material losses except at double or triple the ordinary cost. Besides this, owing to what has taken place, we will be compelled now to place ourselves at Tientsin on a surer footing than before, and it will therefore be necessary to incur expenses considerably more than formerly. Pardon the details, M. le Comte: I do not place them here for the sake of discussion, or in any captious spirit, but solely that the true state of affairs may be known. We are willing to accept compensation for our material losses, and we shall gladly take that which is given us—always provided, as I have said, that *the conditions we have already given are duly fulfilled.*

Do not be surprised, M. le Comte, at our persistence in maintaining this reservation, as it is based on simple reasoning. To accept this indemnity would be indirectly to engage ourselves to reconstruct. Such reconstruction, until the position is better assured, would be almost equal to a preparation of materials for new incendiaries, fresh pillage and further massacres. If precaution be not sufficient to protect us in the future, then we shall construct nothing and of course accept nothing. Let the Chinese Government solemnly erect a monument, and comply with the other conditions; and then, our apprehensions ceased and with the indemnity so paid, we shall be able, with the help of God, to erect such an edifice at Tientsin as will become a protection against the past and a new guarantee for future security.

A second sum of Tls. 130,000 is presented to us (*vide* Prince Kung's despatch, dated Peking 18th September, 1870.) An official translation of this despatch runs thus, "For the Church, Tls. 130,000." The Chinese text, which I have at present before me, specifies the various sums apportioned to each, as follows:—For M. Chevrier, ——; For Six French Sisters, ——; For Two Belgian Sisters, ——; For One English Sister, ——; For One Italian Sister, ——. In all, Tls. 130,000. Your delicacy, M. le Comte, has taught you that this price of blood would be most repulsive to our feelings; and, to speak plainly, the mere idea makes us shudder—excuse the expression. We will not accept this, principally from the motives here following:—1st, when missionaries or sisters of charity devote themselves to missions, it is to give their labor, their service, their life—to give, not to sell. Let our victims of Tientsin arise and speak. They would with us declare aloud that *they* never for a moment would dream of, and far less would never consent, that their blood should be placed in the scale against the weight of silver. It is true we shall have something to comfort their humility in remarking that they, the poor servants of the sick and infirm, have been priced and marked at the sum of Tls. 10,000! But neither ten thousand nor a hundred thousand!—we wish nothing. We owe it to ourselves and to the dignity of our office so to act that we may show to the eyes of many that even yet the blood of a missionary or a sister of charity is above price.

2dly, For our part we will never authorize any dictum that threatens to become an axiom, even a political axiom, in China, to the effect that all European affairs can be arranged or settled financially. To plunder and kill a European is no longer a difficulty so long as the Chinese have the money to pay. China has money in her Customs, and she is still ready to stipulate for our blood on the first occasion. The Tientsin indemnity negotiations are hardly closed, and see, M. le Comte, how reports are already circulated; look at the provocation contained in the petitions recently addressed to the Emperor; look at the libellous and incendiary proclamations spread by the mandarins against the barbarians of the West.

3dly, According to the terms of Prince Kung's despatch, the sums allowed for the victims are to be divided among the families, &c. Concerning this price of blood, it does not regard me; it regards the families and the Society of the victims, who have not given me charge to represent them under such circumstances. It has been alleged that I ought not to ignore our pecuniary wants and those of our poor—wants which the troubles in Europe have doubtless aggravated; but I beg of you to say that they need not trouble themselves about our pecuniary position. Thanks be to God, we neither fear poverty nor sufferings. As for our works of charity in this place, our belief and conviction is that either France will take to heart this affair of Tientsin, or she will let it pass. If France speaks and acts as we have the right to expect, then our works of charity will go on, and our resources will not fail; but if France be mute, then we shall not be long before we mix our blood with the victims of June. In either case, it is not for us to go and pick up wretched money from the corpses of our missionaries and our sisters of charity. These, M. le Comte, are our heartfelt and inmost thoughts; and I have expressed them without evasion, as I know you are an admirer of frankness of speech.

Deign to accept, etc.,

Enclosure 2
Despatch 54

Copy.

Pékin. 7 janvier 1871.

Monseigneur,

J'ai reçu la lettre que vous m'avez fait l'honneur de m'écrire le 5 janvier, et je me hâte de vous dire qu'en refusant d'accepter les 130,000 Taels qui ont été offerts à la mission de Pékin par le gouvernement Chinois, vous êtes absolument d'accord avec le Tsong-ly Yamen. En effet la première note que je reçus de leurs Excellences à ce sujet indiquaient l'intention de remettre cet argent aux familles des victimes, non comme prix de leur sang mais comme preuve d'intérêt et afin que ces familles, ayant pour la plupart perdu leur soutien, ne tombassent pas dans la misère.—

A S. E. Monseigneur de la Place

Le Evêque de Pékin.

Ce fut sur la demande de M. l'Abbé Thierry alors provicaire de ce diocèse et Supérieur de la maison des Lazaristes et par conséquent autorisé à traiter avec la Légation, que ce texte fut changé et cette négotiation ne s'accomplis pas sans quelque résistance.

Quant à la seconde indemnité de 90,000 taels destinée à reparer les pertes matérielles souffertes par vos établissements le 21 Juin, il est vraiment regrettable qu'elle soit insuffisante, et il eut été tout aussi facile d'obtenir 100 même 150 mille taels que 90. Mais la Légation, étant hors d'état de juger elle-même le chiffre de vos pertes, s'est adressée à M. Thierry alors provicaire de ce diocèse et supérieur des missions des Lazaristes. Cet ecclésiastique apprécia le total des pertes à 480,000 francs environ. La Légation a pensé qu'en

qu'en fixant l'indemnité à 700,000 francs,
les pertes de la mission seraient complètement
couvertes. Ce fut également l'avis de MM.
Fabiers et d'Adosio, qui trouvèrent cette
somme suffisante.

Enfin, Monseigneur, la légation
n'avait pas attendu votre demande
pour s'occuper de l'érection d'un monument
expiatoire. Les tombes des victimes et
tous les travaux qui ont été faits sur
l'emplacement du consulat de France
à Tientsin en sont la preuve. Le monument
eut été certainement fini avant l'hiver
si depuis le mois d'Août, époque des
funérailles, le missionnaire établi à Tientsin
eut poussé, aussi activement que la
légation et encore les autorités Chinoises le
désiraient, l'exécution du plan destradam

M. le Comte Mejan sera autorisé
par le plus prochain courrier de recevoir
de M. Aimery la somme de 180,000 taels

hai-kouan

que ce missionnaire a reçu de M.
Devéria et à lui en donner décharge.
Vous m'avez donc, Monseigneur, qu'à
instruire, de votre côté, M. Rimery
de vos intentions et à lui ordonner
de remettre à M. le Comte Mejan,
la somme qu'il nous plaira de ne
pas accepter.

(Signé)

de Rochechouart.

Enclosure No 3
Despatch 524

Translation

Peking January 7. 1871

Rt Rev
Monseigneur De Laplace
Bishop of Peking

I have received the letter which you have done me the honor to address to me on this 5th inst; and make no delay to apprise you that in refusing to accept the 130 000 taels which the Chinese Government has offered to the missions, you are entirely in accord with the Foreign Office. In fact, the first note which I received from that body upon this subject intimated their intention to send this money to the families of the victims, not as a price of their bloods, but as a means

proof of regard (interest) and to the end that the families, having for the most part lost their support, might not suffer thereby.

It was at the request of Abbé Thierry, acting vicar of this diocese and superior of the Lazarist Establishments, and consequently the highest person to deal with in this Legation, that the list was changed and this arrangement brought about, and with much some difficulty

As to the second indemnity of 50 000 taels, designed to replace the material losses suffered by your mission on the 21st June, it is very regrettable that it should be insufficient. It would have been such as easy to have obtained 100 000 or even 150 000 taels as

as 90 000. But the Legation being quite unable to judge of itself the amount of your losses, applied to M Thierry, then acting vicar of the diocese and superior of the Lazarist missions, who estimated the total loss at about 450 000 francs. The Legation supposed that in placing the indemnity at 700 000 francs all the losses of the mission would be amply covered; this was also the opinion of M M Fabvier and d'Adosio, who deemed this sum sufficient.

Finally, my Lord the Legation has not delayed till your request came to hand, to interest itself in the erection of an expiatory monument. The tombs of the victims, and all the efforts put forth for the reconstruction of the French Consulate at Tientsin prove this.

The

The Armament would have doubtless
been done before Winter, if the Mission-
ary at Tientsin, had, since the date
of the Journals in August, urged that
actively as the Legations; and even the
Chinese authorities desired the completion
of the plan of the works

The Board Means will be di-
rected by next Courier to receive from
Mr Aimery the Sum of 130000 taels
haikwan Sycee, which this Missionary
obtained from Mr Deneriers, and give
him a receipt for it. You will
then, Sir, have on your part only
to inform Mr Aimery of your wishes,
and to direct him to refund to the
Consul-general the sum which you
are not willing to accept

I have &c

Ans May 22

Asked 22 May

No 55

Enc

Pratt.

DEPT OF STATE 1871

Frederick F. Low

to

Department of State

Peking March 15 1871

Acknoledges receipt of Department despatches Nos 24. 25 & 26; notes the instructions about causes for change of policy: will so inform Prince Kung; refers to Consuls whose commissions depend on fees and says their duties are not generally well performed

No 55

Legation of the United States
Peking March 15 1871

Sir:-

I have the honor to ac-
knowledge the receipt of your
Nos 24. 25 and 26. which came
yesterday in the British mail
via Brindisi. They were
sent evidently by mistake, into
the mail for London, and
from there forwarded to me
via India.

The
Hon Hamilton Fish
Secretary of State

The observations respecting my note to Prince Kung contained in your No 74 are noted; and I shall take an early opportunity, to apprise the Prince, agreeably to your suggestions, of the views of the Government

You are correct, in presuming that I called upon Mr Holmes for an explanation of the delay in sending me information in relation to the removal of the missionaries. He assigned illness as the cause

The Consuls at the smaller ports, whose

compensation

compensation depend entirely
on the fees, their emoluments
hardly justify the employment
of clerks or Interpreters, and,
as a consequence Consular
business is likely to be indifferently
performed. I see no way
to remedy this; for it is difficult,
to find at these ports proper
men to accept Consular positions,
competent and willing to
perform the duties creditably,
for the compensation.

I have the honor to be
Sir,
Your obedient servant,
Frederick F. Low.

Wm Pratt.

Encl. to Adm

Ackd 22 May

No 56 3 Enclosures

DEC
OF STATE

Frederick F. Low

to

Department of State

Peking March 20. 1871

Enclosing a note and memorandum from the Foreign Office upon the missionary question, and his reply thereto; also copy of a note from Wăn-tsiang to the British Minister, upon the same subject, written in 1869

DEPARTMENT OF STATE
Foreign Relations '71

No 56 3 Enclosures

Legation of the United States
Peking March 20th 1871

Sir:-

In my No 52 of February 20th reference was made to a communication I had received from the Foreign Office, in relation to the missionary question. I have now the honor to enclose a translation of that document together with my reply,

The memorandum

was

Hon Hamilton Fish
Secretary of State

was drawn up by Wän-tsiang,
one of the oldest, and by far
the ablest of all the Chinese
Ministers. He has had more
to do with, and therefore
understands better, the actual
relations of China with foreign
nations than any of his
colleagues; and is, I feel sure
anxious to prevent disturbance
that may lead to international
troubles. That he is sincere
in his professed anxiety about
the future no one well
acquainted with the real
condition of affairs here will
question; although it is not
impossible that his fears

are

are overstated for the effect such declarations may exert upon the foreign Legations, and thus tend to bring about some kind of a compromise which will be useful in the future management of the missionary matter. My opinion that these apprehensions of future danger are genuine, and that this paper is not put forth at this time simply to try and protect themselves against further demands that the French Government may make in the treaty revision which is soon to take place, is confirmed by the fact that

about

about two years ago, this same Chinese Minister addressed a private note of a similar character to the British Minister. A copy of that note I have just now obtained, a translation of which I beg to send herewith. 3

The answer of H. M. Minister to the note I am not able to give, as it was made verbally and not in writing.

A careful reading of the memorandum clearly proves that the great, if not only, cause of complaint against the missionaries, comes from the actions of the Roman Catholic priests and the native

Christians

christians of that faith; although the rules proposed for the government of missionaries apply equally to Protestants and Catholics

What reply to make, in view of the complications of the question and the circumstances with which it was surrounded, did not seem quite clear. I would have preferred to have taken the President's instructions before sending an answer could they have been obtained within any reasonable time. To simply acknowledge the receipt of their note and say that instructions had been asked for

for, would involve a delay of four or five months, and this delay would perhaps raise a hope, which could not be otherwise than illusive, that some at least, of their propositions would prove acceptable; to reply and admit cohately and really believe to be true, that the Chinese have some ground of complaint, without being able to suggest a practicable remedy, would only do harm and render the situation still more insecure; to simply say that, as their complaints are against the Roman Catholics it is a matter which concerns the French alone, with which

other

other nations have nothing to
do, would have the effect to
defeat what the other Treaty
Powers have been anxious to
bring about, viz: that when the
Chinese have difficulties with
one foreign nation which are
likely to involve all in trouble,
they should frankly state their
case to be judged of by all,
and in this way bring the force
of an enlightened public opinion
to bear upon the action of any
Government that attempts to oppress
or deal unfairly

After carefully considering
the whole question in all its
bearings I deemed it my duty

to

to reply without waiting for specific instructions. This I have done at some length, reviewing somewhat in detail the several points presented, re-asserting the intentions of the Government of the United States to claim for all its citizens entire exemption from the operation of Chinese law, and disclaiming any intention of screening natives from the obligations which they are under to their own laws and officials, pointing out the impracticability of many of the proposed rules, and suggesting personal discussion of this as well as all other matters of

dispute

dispute.

Had they stated their complaints in brief, without circumlocution and stripped of all useless verbiage, they would have charged:- that the Roman Catholic missionaries, when residing away from the open ports, claim to occupy a semi-official position which places them on an equality with the provincial officers; that they deny the authority of the Chinese officials over native Christians which practically removes this class from the jurisdiction of their own rulers; that their action in this regard shields

the

the native Christians from the penalties of the law and thus holds out inducements for the lawless to join the Catholic Church which is largely taken advantage of; that orphan asylums are filled with children by the use of improper means against the will of the peoples, and where parents, guardians and friends, visit these institutions for the purpose of reclaiming children, their requests for examination and restitution are denied; and lastly, that the French Government, while it does not claim for its missionaries any rights of this nature by

virtue

virtue of treaty, its agents and representatives winks at these unlawful acts and secretly uphold the missionaries.

If the opinions of the Chinese officials could be stated in a direct and courageous way, instead of proposing rules for the governance of missionaries they would demand a revision of the treaties by which the right of extra-territoriality would be withdrawn from missionaries when they go beyond the places open to trade, where foreign Consuls reside. This is really what they mean although they do not state it specifically.

I

I do not believe, and therefore I cannot affirm, that all the complaints made against Catholic missionaries are founded in truth, reason or justice; at the same time I believe that there is foundation for some of their charges. My opinions as expressed in former despatches, touching this matter are confirmed by further investigations. But while I see clearly the difficulties and dangers, candor compels me to say that the remedy seems to lie outside and beyond the scope of affirmative diplomatic actions. Neither

will

will sound policy, nor the moral and religious sentiments of Christian Nations, sanction any retrogression, although trade and commerce might be promoted thereby; nor will the dictates of humanity permit the renunciation of the right for all foreigners that they shall be governed and punished by their own laws. But, while insisting firmly upon these rights, all foreign Governments should see to it that no claim be made by their officers, agents or subjects, for an extension of their laws over the Chinese They should also see that

their

their treaties are honestly and fairly construed, claiming no rights which come of fraud, and conceding nothing that such construction will grant.

That a strict non-interference between native Christians and their rulers will subject the former to persecutions is possible and even probable; but whether this course will not in the end subserve the cause the missionaries are laboring to promote better than the opposite one is the question. I think it will. One has the sanction of treaty and law; the other is in violation of both.

The

The remedy, so far as it lies in the power of foreign Governments, is with France alone; and it behooves that Power, for the sake of its own interests, as well as for the welfare of all foreign residents, to remove all just causes of complaint of the Chinese. Whether this can reasonably be expected, depends upon the form and composition of the new government of France, and also upon the character of the representation which that Government may send here.

Trusting that my action

as

as herein detailed, may
meet with the approval of
the President.

I have the honor to be
Sir,
Your obedient Servant
Frederick F. Low

Enclosures

No 1 Note and memorandum from Wen-tsiang and Shin-Kwei-fan to Frederick F Low February 13. 1871

No 2. Mr Lows reply to same

No 3 Note from Wen-tsiang to Sir Rutherford Alcock, late British Minister to China, June 26 1869

Enclosure No 1
Despatch No 56

Note from the Foreign Office.

Tungchi. 9e year, 12e moon, 24e day
February 13. 1871

To His Excellency
Frederick F. Low.
&c &c

Sir,

In relation to the missionary question, the members of the Foreign Office are apprehensive, lest in their efforts to manage the various points connected with it, they shall interrupt the good relations existing between this and other Governments, and have therefore drawn up several rules upon the subject. These are now inclosed, with an explanatory minute, for your examination, and we hope that you will take them into careful consideration.

With compliments.

Cards of Wansiang
Shin Kwei-fän

A Object reciprocal advantages
and removal of abuses

B Do not attain that end
but difficult to carry into effect

Minute.

When the treaties between China and foreign countries were arranged, it was hoped that they would be advantageous to both parties, and remain unaltered for a series of years. The stipulations which were then agreed upon by treaty, have been since tested in all their bearings; and not only has it been shown that some of them cannot endure the trial, but already are they found to be inadequate to answer the exigencies which have arisen.

In commercial matters, no serious causes of strife have ever arisen between this and other countries; but in respect to missionary operations, many and great difficulties have been continually coming up. When these operations were commenced, it was asserted that the object of missions was to exhort men to be good; but -

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the propagation of the Roman Catholic faith in China among the people has been attended with constant troubles. Seeing that no satisfactory arrangement of these has been reached, it is now of the first importance to adopt some measures which shall bring these causes of dispute into some kind of harmonious and permanent settlement.

This question has in reality a close relationship to the maintenance of peace of nations and friendship between China and foreign countries; (as well as remotely even to) the continuance of their commerce. This arises from the fact that it invariably happens among members of the Romish faith, that wherever the missionaries commence their work in the country, the former get into quarrels with the people, which year after year come before the courts, and cannot in any way be amicably adjusted so as to maintain the peace.

All

All this has, we think, long been known to your Excellency.

When the religion of the Lord of Heaven first came into China, it was known as the Si Jiu, i.e. [the doctrine of] the Western Literati; and those who joined the sect for the most part quietly maintained their tenets; but those who have embraced it since the adoption of the treaties, have been very largely of a disreputable character. This has caused people to regard with contempt the assertion, that these doctrines are intended to reform mankind, and they are consequently totally disinclined to accept them. On the other hand, those who have joined them, are led to trust much to the position and power of the missionaries, and misuse and oppress peaceable people. Such conduct still more embitters men's minds against them, and prepares the parties for reciprocal dislike, which ere long culminates in open strife. The matter then comes into court, and the

local

Make common cause with the Christians

local authorities try to adjudicate it. The missionary takes sides, screens and helps his partisans, and this encourages the converts to oppose their rulers; which in turn stirs up the people the more against them all.

From this, it will surely come to pass, that among the multitudes of disaffected men who are ready to foment rebellion in the land, criminals, litigious pettifoggers, and shysters who make strife, many will seek the shelter of the sect to create trouble. The popular indignation is already very deep, and will grow into a settled hatred, and this hatred will erelong break out into open enmity. The people at large are ignorant of the distinction between the Protestants and the Romanists, but regard all [Christians] as belonging to the latter sect; just as they are unaware of the number and names of foreign countries, but look upon all persons from abroad as simply foreigners. If a riot

should

should break out. Therefore, every stran-
ger in China would be exposed to the
same peril.

It would then extend to other pro-
vinces, whose people, though having them-
selves no cause of strife, would yet che-
rish suspicions and ill-will from what
they heard. Now, under these circumstances,
would it be possible to prevent serious
disturbances, rising into open violence?
It is true that there is a great differ-
ence between these sects, and a fact
that each foreign nation has its own
name; and it is not for want of repeated
orders and instructions on the part of
Government that the people do not know
this, but it is impossible to reach every
house and hamlet.

During the past ten years,
while the Prince and his associates have
had the charge of affairs, this subject
has been a cause of daily anxiety. The
startling outburst at Tientsin last
summer showed how the thing works. The

guilty

guilty officials in that affair have been punished, the murderers have been executed, and an indemnity paid to the bereaved families; but all these steps to close it and do justly have by no means dissipated the anxiety which fills our minds, lest the people and the Roman Catholics should again come into open conflict. If the course of action at Tientsin is to serve as the only precedent in future, then greater difficulties will be experienced in repressing such risings, and every successive quarrel will become more and more exasperating and savage.

In trying to look at the present aspect of this whole question, one is led to ask, how can the two parties be brought to live at peace? It seems to be plain, judging from the cases arising in the provinces, that the influential cause has really been the irritating conduct of the native Romanists; though it is granted that the

the people too, on their part, have che-
rished revenge and wreaked their anger
on them. These cases do not seem likely
to be settled amicably by the provin-
cial authorities; but if, when they are
brought before the native and foreign high

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single affair can be most quickly set-
tled. (The Europeans) O.

They will not care at all whether
the people consent to such proceedings,
and only think how they can best put
down the disturbance by the strong
arm; and this course will influence
the local authorities to do their best
to settle it some way or other. If

no

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rished revenge and wreaked their anger
on them. These cases do not seem likely
to be settled amicably by the provin-
cial authorities; but if, when they are
brought before the native and foreign high
officials [at Peking, or elsewhere], these, -
knowing the acts of the Romish mis-
sionaries and their converts, decide -
them unjustly and without regard to
the feelings of the people, and decline
to agree to some rules for preserving
peace and preventing evil, then, when
there is an outbreak some bright morn-
ing, foreigners will only think how that
single affair can be most quickly set-
tled. (The Europeans) O.

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down the disturbance by the strong
arm; and this course will influence
the local authorities to do their best
to settle it some way or other. If

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no well understood mode of action can be agreed upon, and only temporary expedients are devised for a present exigency, then no permanent harmony can be thought of.

If, while we at this time, desire to discuss the causes and difficulties of this subject with foreign Governments, in order to agree on some plan which will bring a lasting and advantageous settlement, they firmly refuse to discuss it in an impartial manner, there is no help. In such a conference, if one side desires to bring forward some impracticable rule, and force its adoption, or make it a reason for declining to do anything, that course will most plainly show that he has no earnest desire to come to any arrangement at all.

It is the sincere desire of the Prince and his colleagues, in view of this whole question in all its bearings, to maintain peace with all foreign

countries,

countries, and perpetuate the present friendly status; but to this end some discussion as to the mode of arranging it is indispensable. It is our belief, that in all Western countries where missionaries live among the people, there must be some reasonable course agreed upon by which they can live together in harmony; and that this is the reason why the teachers and professors of Christianity do not desire, to raise causeless trouble.

We have heard it stated that in whatever country missionaries reside, they obey the laws and customs of that country, and are not permitted to assert their independence of them. Whoever takes upon himself power, or incroaches on the rights of others; whoever causes scandal to the reputation of families or persons; whoever maltreats people or damages them in any way; or lastly, whoever excites suspicion in the mind of others, resists the laws of the land, or opposes the rulers, whoever and thereby

Whoever

ill-will and hatred are stirred up through the community; - in short, whoever commits any illegal acts of this nature is forcibly restrained.

Therefore, those who build churches and preach Christian doctrines in China, should chiefly take pains not to provoke the suspicion and dislike of the native gentry and people, but act so that mutual confidence may be strengthened. If this were done, they could easily arrange matters, and all would go on well; the two classes living side by side in friendly relations, and no attempt made to destroy churches and chapels. If the Romish missionaries will permit what properly comes into their calling to be usually known openly and fully by the people at large, the latter will then have no grounds for maligning and opposing them. Further, if they refuse to do what their converts wish them to do, and do not interfere with the jurisdiction of the local rulers

or

or trust to their power to carry their own ends against all opposers, — a course which can only draw on them the angry hatred of gentry and people — then will the common people live at peace with them, and our officials will protect and defend them.

If all the unlawful and irritating acts which have come to the ears of the Prince and his colleagues, as having been committed by Romish missionaries now in China, be true; then it cannot be denied that there is in this Empire, what amounts to a countless number of independent and uncontrolled hostile states. Can any man imagine that it will be possible long to maintain peace under such a state of things, and prevent both our officials and people from hating them cordially? We candidly say that we know of no way of preventing such a calamity. We fear that wherever the ignorant converts learn how the Tientsin —

affair

affair has been settled, that their spirits will rise to greater excesses, which will stir up greater strife, and their vain boasts will arouse the bitter hatred of the common people to a more deadly degree, till the smothered irritation suddenly bursts out into riots and outrages.

The local officials will be unable to manage such a flame; the high provincial authorities will find it too strong for them; and even the Foreign Office will be powerless to restrain and punish. If the Chinese people become of one mind on this point, and rise against these sectaries, then though the Emperor himself send his high officers with troops to punish the offenders, it will be impossible to exterminate the people. Much less, when the rage of a great multitude has been aroused, will they be inclined to quietly allow men to be executed.

If at such a crisis, the affair could

could not be restrained, and the two parties led to see that it was possible for them to live in harmony, then things have come to a bad pass; and the high officers, to whom pertains the conduct of the relations between this and other countries, cannot relieve themselves from great blame. The most vital point in happily conducting any business between two states, is to get the goodwill of the people; for if this be not done, and one tries to coerce them, they will sometime or other resist, and the highest powers of the state will find themselves unable to control this popular sentiment.

If those in China to whom the highest affairs of both parties have been intrusted, can now do nothing to restore harmony and prevent disasters, they should surely know that foreigners living among the natives and traders of every nation, may ere long be in the midst of great peril. If

they

they together cannot agree upon some mode of regulating this matter, it is clear that henceforth it will be impossible to regulate anything.

The desire of the Prince and his colleagues to preserve friendly relations between this and other countries is so earnest, that they now present eight rules, which they have drawn up as a means to this end, and inclose them for your Excellency's perusal, as well as to the other foreign ministers, desiring that the same may be fully examined.

Eight Rules, with Remarks.

Rule First

The establishment of asylums for training up children by the Romanists has hitherto not been reported to the authorities; and as these institutions are carefully kept private, this management continually gives rise to suspicion and excites ill. will. The best way to remove this feeling of mistrust among the people would be to close all foreign asylums. But if this cannot be done, let the names of those among the converts, who are shown to be unable to rear their own children, be reported to the local officials, giving the names of the children, the day they were taken into the asylum, and when they were sent home, or whether any other person had adopted them for their own children. By this means all the facts would be known.

(2)

The

The children of natives who have not become Roman Catholics can be cared for by persons selected from among the gentry by the local rulers, under the direction of the provincial authorities. Each class will thus do its own good work in this line, and all suspicion will be allayed. —

Note. — It is the rule in China, — that the conductors of foundling and infant asylums shall report all the particulars concerning those who are received or discharged, to the local authorities. The relatives can always come and see the children at the asylum afterwards; — when they have grown up, it is allowable for childless people to adopt them, or for their parents to take them home. Whatever might have been the sect they belonged to, they still adhered to it; for it was considered to be a good work enough to carefully nurture the children in the asylum.

(3)

We have learned that the rules in other

other countries respecting such institu-
tions are similar to those in force here.
It is only those established in this land
by foreigners which are not so regu-
lated. In them, the times when the
children are received is not inquired
into, nor is any report made to the officials,
nobody is allowed to adopt them after they
enter, nor can their own parents ever
reclaim them, nor even see them after-
wards. Is it surprising that such things
excite suspicions among the people?

It is on these grounds, that tho'
it has been fully proved, since the riot
at Tientsin, that there was in that city
no gouging out eyes or cutting open hearts,
even to this moment people retain their
former fears and suspicions. It is indeed
possible to stop their mouths, but no
one can quiet their apprehensions;
and who can assure us that another
outbreak will not be caused by their
mistrust?

If the asylums now under the
control

control of foreigners could be all closed, and they do all this good work in their own countries, then all the children in China needing this care could be reared in native establishments, of which there are many in every province. Why need foreigners trouble themselves about this work, for in showing that they have good desires to relieve the poor, they only arouse suspicion and ill-will? Therefore if each party would attend, in this respect, to their own modes and spheres of action, it is quite certain that amicable relations would be less likely to be endangered.

Rule Second.

Chinese women should not be permitted to enter churches and chapels, nor foreign women to propagate the doctrines in China, in order to exhibit the reserve and strict propriety of the tenets of Christianity, and prevent all reproach among the people. Note.

Note. — Among the Chinese, the unsullied reputation and modest demeanor of females is very highly esteemed. The rules for separating the sexes are very strict, both in regard to their personal intercourse and the seclusion of their apartments. Since these requirements have been relaxed by the Romanists, women and girls go into their churches, which surprises all who hear of it; in these missionary halls, men and women are not separated, and when they remain there a long time, the people are led to despise them, and suspect that everything there is not altogether as proper as purity requires.

Rule Third.

Missionaries residing in China ought to conform to the laws and usages of the empire. They ought not to be permitted to set up an independant style and authority, nor should they resist the laws of the land, and oppose the orders of its

~~not given as a note in the translation from French~~

its magistrates; they should not assume power, nor encroach on the rights of others, injuring their reputation and causing scandal in communities. They should not misuse or oppress the people,—acts which lead men to suspect their designs, and provoke the indignant hatred of all classes; nor. Lastly, should They malign the holy Doctrines of the Chinese sages, and thus arouse public resentment. Every missionary ought to come under the authority of the local magistrates, therefore, in all these respects.

Native Roman Catholics should be placed in the same position under the laws as other Chinese; and except in the contributions to theatrical plays and idolatrous processions and festivals, from which they are exempt, they are bound to perform their quota of public labor and calls for corvée and other services from the local magistrates. Still more are they required to pay their part of public taxes in money and kind, and their

faith

faith cannot be in the least degree pleaded as a reason for not paying their rents and assessments. In all these things, foreign missionaries are not to protect them or abet their resistance

Cases at law arising between the people and the converts are to be examined equitably, and then decided entirely by the local magistrates. No missionary can be permitted to take sides in them as a partisan, nor shall he conceal a plaintiff or defendant, when they are converts, and prevent their appearance in court in order to embarrass the matter, and prevent its settlement. If he overpass his station, and interfere in this manner in legal affairs, the officials can send his letters, or reports of his personal application, to the high provincial authorities for transmission to the Foreign Office; and if the thing is proved, the missionary shall be deported.

In all cases connected with

marriages.

marriages, tenements, and lands coming into court from among the Roman Catholics, if they endeavor to make their cases succeed against the people by the representations of the missionaries on their behalf, they shall be liable for doing this to heavier penalties from their own rulers.

† Note.— In China, every person belonging to the literary class, or who takes up the profession of a Buddhist or Taoist priest, or even the Lamas, which do not belong to any strictly Chinese sect, all without exception obey the laws of the empire. Each member of these sects submits to the decision of the magistrates in all matters of right and wrong in which he may be interested.

We are informed that in other countries, missionaries living among the people everywhere conform to the laws and usages of the land. They are not permitted to set up an

† Not a note in the other copy but a part of Rule 3

an independent style and authority, resisting the laws of the land, and opposing the orders of the magistrates. They do not there assume unauthorized power, nor encroach on the rights of others, injuring their good name and causing scandal; nor do they oppress and insult people, leading men to suspect their designs, and provoking the indignation and hatred of all classes.

It is therefore but right that missionaries, who come to China to practise their profession, should in these respects be amenable to the authority of the magistrates. Is it not altogether out of their proper position for them to exhibit such hauteur and pride, and dispute precedence with the officials, as they do? Those natives who profess this creed, having always been Chinese subjects, are still more bound to observe their proper duties, seeing that they noways differ

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from other people. They ought most assuredly to live in friendly relations with their countrymen, whether in town or country, and cultivate that spirit of neighborly regard which is seemly; and whenever an occasion arises demanding united effort to accomplish some public work, or it is necessary for the whole village to join its men and means to effect an object, then for them to cast about how they can avoid doing their share, and escape their obligations because of their faith, is to prejudge for themselves their own rights. Can they be surprised if others sharply judge their claims too?

In all cases where they resist the payment of taxes, refuse to do government work, interfere with the orders of magistrates, or insult and oppress the people, the foreign missionary has no right to make himself a party to the case. Some of the converts are perverse and lawless men, and to secrete such fellows so that they shall not be delivered to the authorities for just punishment is really a most hei-

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nous offense.

Every man who joins the Romish church desires to be protected; and in the provinces, the missionaries take up all cases of complaint in which converts are implicated, and go into court to protest and interfere before the officials. - There was a case in Sichuen, in which some women belonging to the church deceitfully refused to give up the crops of their land for rent according to contract, and when the landlords asked it, they rose against the people, and killed and wounded several. The French bishop presumed to issue his decision in the matter, and to this day none of these women have been examined or expiated their crimes, - which has ever since the occurrence greatly irritated the people of that province. 5

In Kweichau province, the Romanists always designate themselves as belonging to the Roman Catholic church in every paper which they present in court in cases wherein they

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are parties, expecting thereby to get some help to succeed. Everybody can see how such a course only adds to the bitterness and trouble.

Furthermore, in all parts of the land, whenever a betrothal has been arranged between two families, if one of them subsequently joins the church, but the other does not, then the former compels the latter to break the engagement and cancel the marriage. Sometimes, in a family, the father or elder brother joins, while the son or younger brother does not; whereupon, the father reports his son to the officers as disobedient, and the elder brother denounces his younger brother as insolent; and the missionary takes part in such affairs and helps his people. The irritation, which a variety of such cases as those now adduced, has produced among the people is intense.

Rule

Rule Fourth

The laws which govern foreigners and natives living together ought to be calculated to promote mutual peace, and bear equally on each. For instance, in cases of a serious nature involving life, the law should require life to be forfeited; each side to punish its own criminals according to its own laws, that the feelings of justice in men may be satisfied. Whether it be the native or foreign official who judges the case, let him simply decide its criminality as it comes before him; and after that has been done, let there be no further examination as to the amount of compensation or indemnity to be paid. Still more, let it be settled that each case is to be confined to its participants, and no one is to be allowed to demand that the gentry or traders, who had nothing to do with it, pay an indemnity.

When an official tries a case wherein Romish converts and natives are involved, whichever of these two parties

are

are proven to have been the aggressor in wronging the other, let the same law apply to all, and the same sentence be meted out to each, so that no partiality be exhibited. Whenever a Romanist is arrested for any misdemeanor that involves a breach of the laws, whatever the offense may be, he shall be examined by the local authorities; if he be accused by others before the courts, he shall, as the law provides, be seized and tried; and in neither case, shall a missionary be permitted to protect converts from just sentence, or hinder their appearance before the authorities.

In all cases where it can be shown that the missionary has screened persons in this way, or tried to thwart the orders of the officials; not only shall the real criminals be punished as the law directs, but the missionary himself shall suffer the same punishment for having resisted the course of law, — or if this cannot be, he shall be deported.

Note.

Note. The missionary Thabileau was killed in a riot in Szchuen in the year 1867; the authorities had arrested a man named Yen, who being proven to be guilty was executed for the crime. But the missionary M. Mihière persistently declared that the gentry had stirred up the quarrel, and forced them to pay an indemnity of 80,000 taels. The fact is that the row was caused by some ignorant poor men, who suddenly broke out into these violent acts; but to turn round and compel quiet scholars of respectability and wealth to pay so much money has with other high-handed acts provoked deep indignation.

Again, when the missionary M. Rigaud was killed in a riot in the province of Szchuen in 1869, there is not the least doubt that it was caused by the acts of the converts in compelling certain persons to annul a marriage contract. The Governor-general Li Hung-chang and the Manchu Commander-in-chief

chief Chung, jointly examined into the affair, and they have long since condemned and executed Ko Tsai by decapitation, and Liu Fuh by strangling, proven to have murdered the missionary and converts.

But [while the government did this] the converts who killed their countrymen, two men named Wang Hioh-ting and Chang Tien-hing, who for several years had been carrying on such a system of extortion, ravishing, plundering, burning, and killing, that they were long known as head rascals, have never yet been brought into court, although their crimes have been proved. In another instance, the native priest Tan Pu-chin, who headed a mob that killed Chao Yung-lin and over two hundred others in a hamlet, where they were surrounded, has, we are now informed by the missionary M. Mihière gone beyond sea, and there is no clue by which he could be traced. These things have still more aroused the hatred of the people of Sz'chuen.

Rule.

Rule Fifth.

Whenever a French missionary goes to any province to preach, the pass-port given to him should state the names of the province and prefecture to which he is going, with great explicitness. If it mentions that his mission work is in a certain province, he should not be allowed to avail himself of the passport to secretly go elsewhere; and if it plainly describes the name and other particulars of the holder, he should not be permitted to turn it over to another man when he pleases. When he passes the barriers and customs-stations, such a passport should not enable him to take dutiable goods through to the loss and detriment of the revenue. On reaching his place of destination, he ought to present the passport to the local officers for verification.

If they find that the name and the place, as given in the passport, do not tally with the bearer; or that it has been

passed

passed over to a Chinese convert to enable him to act as a missionary, in either case the passport shall be defaced and cancelled. If it be further ascertained that money has been unlawfully paid for the transfer of the passport, or any other illegality has been connected with it, the pretended missionary shall be severely punished, and the foreign missionary sent out of the country.

The name and surname of the missionary who holds a passport shall be written in Chinese characters, and these alone shall be regarded as evidence, so that he may be readily recognized wherever he goes. If the holder returns home or dies, or if he changes his calling and no longer preaches, then the passport should be returned to the Chinese to be cancelled.

In whatever province or place insurrection exists, it is forbidden to issue passports for foreigners to go to.

Those

those regions; and therefore, hereafter, ~
when a missionary shall request a
passport for a province in which mili-
tary operations are carried on, its de-
livery shall be suspended, in order ~
that the real purpose of a passport [i.e.
a paper to protect one] may be manifested

Note.— In the record of cases
connected with missions in Kweichau ~
province there appears the name of the
missionary Chao; but in the Foreign ~
Office, there is no record of a passport
having been issued to a missionary of
that name to go to Kweichau. In his
note respecting it, M. Devéria, the inter-
preter [at the French Legation], says, "I
"have examined the old records, and find
"that there was a priest named Chao, who
"died from the effect of his wounds; but
"the man here meant is a man named
"Tsi-lo-sz', who obtained a passport on the
"16th of August 1865, and was therein wrongly
"named Chao." It appears that on that
day, passport No. 325 was issued to a

man named Tui-lo-sz' to go to Sz'chuen; but in the list for Kweichau, there are no persons, named either Chao or Tui-lo-sz', to be found. If, therefore the names and surnames of missionaries, and their destinations, be mixed and changed in this manner, how can any trust be repo-sed in the passport as a surety for pro-tecting its holder.

In another case, a missionary M. Splingaert, (he who killed a Russian) after acting in that capacity, became a ser-vant in the Prussian Legation; but the passport granted at first was never af-terwards returned to this Office. If pass-ports can be thus inconsiderately trans-ferred to other persons, or carelessly left to fall into other people's hands, not only shall we have many troubles arising from persons assuming false names and characters, but if they get into the hands of brigands or thieves, the injury done to the reputation of His Majesty will be very serious; and where then will be the good name of the Church?

Rule

Rule Sixth.

The object of a missionary being to exhort men to reform and become good, he ought, before receiving a man into his church, to carefully inquire into his character, and learn whether he has been convicted of crime or any evil deed, and then accept or reject him according to the facts. If he be accepted, then it should be so stated in the tything-list - of the place where he resides, just as is done with the members of monasteries and temples, so that evidence may exist upon the point.

The number which each man can receive into the church should be limited; and he ought to report distinctly to the local magistrates on what day, month, and year, he received each member, what had been his previous occupation, and that he had been convicted of no crime nor taken an alias. In this way it would be easy to trace each person. If the member died or went away, this

should

should likewise be reported. If no heinous misdemeanors can be alleged against a man when he is received; yet supposing he commits crimes after that date, he ought immediately to be excommunicated, and the same reported. Every month or every quarter, the record of all these things should be made known to the local authorities for their inspection, just as is done by them with nunneries, temples and houses of Buddists and Taoists. By this monthly or quarterly examination, the reputation of the Roman Catholic sect will receive no injury, but its members will, on the contrary, be able to live at peace with all.

* Note. - In 1866, the Governor of Kweichau reported that in the district of Kwei-ting hsien several brigands headed by one Yen Shih-pao, had combined with two Roman Catholic converts named Yuen Yuh-siang and Hia Ching-hing, and under the guise of that sect had

X Not as a note but part of rule 6 in the other copy

had led a party of fellows which attacked
and killed Wang Kiang-pao and Tso Yen-shau, 9
severely wounded three others, plun- 10
dered the houses of their contents, and
carried of all the cattle and horses.

In 1869, the same dignitary re-
ported that the district-magistrate of
Tsun-i had sent him a public state-
ment, in which the writers declared that
four men, named Sung, Tang, Tan and
Kien, who had formerly been rebels and
pretended generals, had been received
among the Roman Catholics. The in-
jury inflicted upon the towns and vil-
lages since from these men was quite
incalculable.

There were also other restless
disturbers of the peace in the neighbor-
hood of Tsun-i, named Yang, Liu, Ching,
Hioh and Chao, who all joined themselves
to the Romanists and managed every-
thing connected with the church. They
insulted and oppressed the orphans
and helpless, extorted money from the
ignorant

names differ generally

ignorant villagers, went in and out of the public courts, taking the oversight of such cases as related to their co-religionists, as if it was their business. If the magistrate tried to examine a case in which a Romanist was involved, and found that his case was groundless. then Yang and his comrades, at the head of a crowd of converts, would violently rush into the hall of justice and compel the magistrate to reverse his sentence.

At other times, when these sectaries were detained under the surveillance of the police, these men would present the missionary's card, and demand that the prisoners be instantly released. The cases, in short, are very numerous in which they have wrongfully possessed themselves of peoples property, claimed their wives or daughters, or even destroyed their lives.

Rule

Rule Seventh.

Missionaries living in China should conform to its usages and regulations, and carefully refrain from encroaching on the position of others, or overstepping their own proper functions. The should not presume to use official seals to stamp their letters, or write formal dispatches to officials of any rank. If they have any matters of their own to bring before the magistrates, — not cases which involve others, or litigations of other people, — let them do so in the same manner that native literary men adopt in addressing those in office, and state their affair clearly in the form of a petition, when it will be attended to and decided.

If they wish to have a personal interview with the high authorities, they should adopt the ceremonies of the country, and follow the practice of its literary men. Also, when they request an audience of the local magistrates,

They

they should observe proper etiquette, - and not rudely march into the public courts to the great disturbance of official business.

* Note. — In 1867, the Manchu Commander-in-chief at Chingtu in Sz'chuen reported that the French bish. of Tinchon addressed the official board of consultation of that province in dispatches, which he stamped with an official seal cast for the purpose.

In 1868, bishop Faury in Kwei. chau presumed to send an official communication on terms of equality to the Foreign Office, by the governmental post, in which he took upon himself to commend and ratify the acts of Towän, a former Intendant there, and other officers, and requesting that promotion and reward might be conferred on them.

In Shantung, a Romish missionary had the boldiness to style himself a siun-fu or Governor.

In the provinces of Sz'chuen

and

1 & not a note in the other copy

and Kweichau, the missionaries have gone to the length of asking that certain magistrates be degraded from office, because of their management of missionary cases, — acts which not only encroach on and diminish the power of the rulers; but still more than that, insult the dignity of His Majesty. How can such unjustifiable and impertinent proceedings as those here mentioned do otherwise than cause general indignation?

Rule Eighth.

In order to bring about mutual good-feeling, it is proposed that hereafter no Roman Catholic missionary shall of his own motion demand that a place shall be given up to him because it was once a church. When land is to be bought for the purpose of erecting a church upon it, or a building is to be rented for a hall, by the Romanists, it is necessary to go in company with

12

the

the real owner of the property to the local authorities of the place in order to ascertain beforehand that there is no difficulty arising from fung-shui. If the magistrates consent, and the people offer no counter representation and do not dislike the proceeding, then the proposition can be carried out in accordance with the rule agreed upon in 1865.

If the place is bought, it must be mentioned in the deed of sale, plainly and explicitly, that the property belongs to the congregation of Chinese Roman Catholics; it is forbidden to falsify names, and make the purchase and get hold of it by using others' names. It is also disallowed to employ crafty natives to deceive in these transactions, and by their help to secretly get the property transferred [without notifying the magistrates].

† Note.— Roman Catholic missionaries have long resided in China, and we wish that they and the people

may

[1] Not as note in other copy

may confide in each other, and not so act as to excite the anger or settled dislike of those around them;—for then all parties can live together without suspicion. But now many things are done by the Roman Catholics which greatly irritate the people, and lead to strife; as for instance, those proceedings connected with the restoration of church property.

In late years, whenever they have demanded that houses and churches should be restored, they have never given a thought as to whether it annoyed the people of the place, but they have peremptorily demanded that the places be restored to them. They would even designate fine and elegant houses occupied by the gentry, and insist on their rendition, saying, that anciently a church stood there; and thus compel the occupants to give them up. In some cases, these spots greatly interfered with the public service or dignity, or

These

there was a club-house, a hall of some kind, a temple, or other building which the whole community held in the highest veneration and carefully kept. These would be unscrupulously demanded and forcibly taken for the use of the church.

Moreover, there are many buildings, which in former years really were churches, but in subsequent days were used for other purposes; or which were sold by members of the sect, and in process of time have since been sold by the people again and again; and now do not all belong to one person; or places which have been repaired and improved at a large expense, made like new houses; - all these are known to have been forcibly demanded and obtained by the missionaries, without paying aught for them.

In cases where the buildings had become ruinous and dilapidated, they would demand that they be made habitable

habitable at the public expense. These doings have exasperated the people at large, and the two parties look at each other with bitterness. If they come to be actual enemies, how can they be expected to live together without coming to open rupture?

The points which have been discussed in this paper only relate to a part of the whole subject; but they go to prove clearly the improper conduct of the Roman Catholic missionaries, and that the converts cannot live amicably with their countrymen. Everybody knows that severe diseases require quick remedies; and if it is expected that these two parties are to get along well with each other, [something should be done], and not permit things to go on until the acts of the missionaries seriously impair

the

the amicable relations now existing between China and foreign countries. The other causes of complaint from various provinces are quite numerous, but we have not time to detail them in full.

Good and bad people are found in the world; and when the one has been extirpated, then it encourages and soothes the other. For instance, if vicious traders are severely dealt with, you protect and honor the upright merchants by such action. So with the missionaries. If they do not take the trouble to inquire into the characters of people, then every miscreant will seek admission into their church, and take advantage of his position to involve or ruin the honest and good. Such men will seek to oppose the officers and rouse the gentry, which will exasperate the people at large still more, till, all over the empire they will come to

hate

hate foreigners as the inhabitants of Tientsin do. In such a posture of affairs, the commands of the Emperor himself would be disregarded, and the danger to everybody would be most imminent.

In proposing these [eight] Rules, the Government still designs to exert itself to protect these men, and at all times will try to maintain just treatment towards all. If the missionaries will honestly adhere to them, no difficulty is likely to arise, and all parties can be at peace; but if they will not accord with them, nor even act as required by the rules of their own sect, then they can no longer propagate their doctrines in China. His Majesty's Government desires to treat all Roman Catholics the same as they treat their other subjects, and make no differences between them. This decision is not come to because they wish to prohibit mission

work

work in China, but simply because the missionaries do not attend to their proper place and functions. The way the Romanists now stir up and befool people will surely result in some serious disasters on the part of the latter; and if these burst out in many places in open violence, it is not unlikely that the Government will be altogether unable to protect anybody. There is, therefore, no better way than for us to clearly state the case, as we have now done, before anything happens.

Enclosure No 2
Despatch No 56

Legation of the United States
Peking March 20 1871

Gentlemen:

I have the honor to acknowledge the receipt of your note of the 13th ultimo, to which was appended a memorandum setting forth somewhat in detail the causes of discontent among the people and their ill will towards the Missionaries, and appealing to the representatives of all the Treaty Powers to take the subject into consideration, with a view of devising measures which will have a tendency to remove

To Their Excellencies the
Wan-Keiang
Shau Kwei-fan

the difficulties and assure a continuance of peace between China and foreign nations. To accomplish this eight rules are proposed by you for the better regulation of missionary enterprises. These rules have been drawn up by you in consultation with all the members of the Foreign Office, and will, if accepted and adopted by the Western Nations, in your opinion, remedy the evils complained of.

By way of illustrating your position, showing that foreign missionaries are responsible for much of the ill will of the Chinese, and proving that additional safeguards are necessary to preserve peace, instances

are

are cited of illegal and unwise action on the part of the missionaries.

I have read with attention all the papers you sent, and have given to their contents the most careful consideration.

It is a noticeable fact, that among all the cases cited there does not appear to be one in which Protestant missionaries are charged with violating treaty, law or custom. So far as I can ascertain, your complaints are chiefly against the action and attitude of the missionaries of the Roman Catholic faith; and as these are under the exclusive protection and control of the Government

Government of France. I might, with great propriety decline to discuss a matter with which the Government of the United States has no direct interest or concern, for the reason that none of its citizens are charged with violating treaty or local law and thus causing trouble. But fully appreciating the force and gravity of your observations when you affirm that, involved in this question are the interests of all foreign residents in China, and upon its proper management and solution depend, in a greater or less degree, the safety and well being of all, whether merchants or missionaries, without

without regard to nationality or religion, I feel justified in complying with your expressed desire, - that all the representatives of the Treaty Powers will consult upon these grave questions.

I shall, therefore, with entire frankness, give you my opinions upon the several points raised by you

I cordially reciprocate the sentiments when you say that it is the earnest desire of the Prince and his associates to maintain peace between China and all foreign nations, and entirely concur in the opinion that when apprehensions of trouble arise

arise, which may if not averted
imbair friendly relations, it is
the part of wisdom and prudence
to state frankly the disturbing
causes, and together with the
foreign representations dicup, with
a view to adoption, suitable
measures for remedying the evils.
Such discussions can do no
harm and may lead to the best
results

Of the truth or justice
of the complaints made to you
by the provincial officers against
the Roman Catholic Bishops and
priests the undersigned cannot
presume to judge. It is, however,
not impossible, or hardly unprobable,
that

that the local officials, who think that their authority has been improperly resisted and themselves insulted, may have overstated the discontent of the people; and have reported isolated cases of misconduct as the rule of missionary action.

It is also a noteworthy fact that substantially all the instances mentioned where trouble has occurred through the alleged evil practices of the priests and christians are confined to the provinces of Sz'chuen and Kweichau ——— provinces far remote from the residence of Consuls, merchants and foreigners generally — which

finders

renders it difficult to obtain
evidence as to the actual facts
except from the principals and
their adherents on either side.
In this view, it is unfortunate
that Merchants are not allowed
to reside there also, and that
these places are not open to the
residence of foreign Consuls, who
could look after and arrange
such difficulties as they arise;
and I would suggest that you
take into careful consideration
what has so often been urged
upon the attention of the Government,
and see whether the opening of
these disturbed districts to trade
and the residence of foreign Consuls
would

would not be the best means
you could adopt to prevent
missionary troubles

But, conceding that the
charges you make are substantially
correct, and the troubles as great
as you represent, the remedy, it
appears to me is quite simple
requiring no extraordinary rules
or regulations. You say that
the trouble arises chiefly from
the illegal acts of the native
Christians and the attempts on
the part of the missionaries
to shield these people from the
just punishment for their crimes.
In reply I have to say that
the Government of the United States,

while

while it claims to exercise, under and by virtue of the stipulations of treaty, the exclusive right of judging of the wrongful acts of its citizens resident in China, and of punishing them when found guilty according to its own laws, it does not assume to claim or exercise any authority or control over the natives of China. This rule applies equally to Merchants and Missionaries; and, so far as I know all foreign Governments having treaties with China adhere strictly to this rule. In case, however, Missionaries see that native Christians are being persecuted by the local officials

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officials on account of their religious opinions, in violation of the letter and spirit of the XXIX th Article of the treaty between the United States and China, it would be proper, and entirely in accordance with the principles of humanity and the teachings of their religion, to make respectful representation of the facts in such cases to the local authorities direct, or through their diplomatic representative to the Foreign Office; for it cannot be presumed that the Imperial Government would sanction any violation of treaty engagements, or that the local officials would allow prosecutions

for

for opinions sake when once the facts are made known to them.

In doing this the missionaries should conform to Chinese custom and etiquette so far as it can be done without assuming an attitude that would be humiliating and degrading to themselves

With reference to Rule I as proposed, the undersigned is not prepared to speak. The American missionaries have no establishments of the kind alluded to, and he cannot assent to or dissent from a prohibition which has for its object the regulation and government of

asylums

asylums of a distinct religious
sect, under the special protection
of another nation. He would
however observe in this connection,
that there are Roman Catholic
Orphan asylums in all parts
of the United States, over which
the government exercises no
surveillance or control; and,
instead of arousing suspicion
and hatred, these charities are
so well and favorably known
that they merit praise and
commendation, and receive
contributions for their support
from both government and
people irrespective of religious
creed wherever they are located.

Ibm.

It would I think be well for the Government of China to expend its energies in the more mighty concerns of administration, and allow charities of all kinds which have for their object the amelioration of the condition of children or adults, the largest freedom compatible with the safety and well being of the people.

Rule II is without apparent reason and unjust. Among all Western nations females attend churches in common with the males, and their religious teachings conduce to the highest good. Their attending church in company with

with parents, husbands and
friends should in no manner
give rise to suspicions. On
the contrary, their presence in
such places is a guarantee
against illegal combinations
or plots against the State or
individuals. In Western
lands it is considered of the
highest importance that females
be educated in literature and
religion so that they may be
fitted to rear families who
will become useful and honored
members of society. So
fixed has this principle become
in all Christian countries that
a proposition of this character
will

will be regarded, as an unfriendly interference to prevent the carrying into effect in its proper sense article XXIX of the treaty before alluded to. I deeply regret that such a rule should have been proposed. Instead of being accepted by the Treaty Powers the mere mention of it will, I fear, cause some to doubt the good faith of the Government and people of China in their profession of a desire to observe all treaty stipulations

Rules III and IV appear to me entirely unnecessary. Missionaries have no rights under

under the treaties to do the
things complained of, hence
any additional regulations to
prevent such acts are superfluous
When native Christians offend
they are subject to, and under
the control of the laws and
officials of their own country;
nor do I see how it is possible
for the missionaries to oppress
the people in any way. In
the United States every person
is allowed the largest liberty
in the discussion of all subjects
pertaining to government or religion.
In this way the people hear all
sides and are the better able to
judge between the true and the
false.

false. If the Buddhist,
Taoish, Confucian and Christian faith
could all be explained without
hindrance, the people will
judge of the merits of each and
adhere to the one that seems
to be the most reasonable and
true. Each sect will finds
adherents and followers, but
there need not on this account
arise ill will, jealousy or hatred,
between the followers of these
sects. It would be well
I think for the Government to
make further enquiries into
the customs of foreign nations,
and see whether it would not
promote a better understanding
between

between natives and foreigners,
without weakening the Government
or lessening the respect of the
people for their rulers, if greater
freedom were allowed in the
worship of all religions, and the
adherence to any such the people
choose without interference on
the part of the government

If native Christians are
exempted from the payment of
contributions for theatrical plays
and processions in shows as
shrill of justice on the part
of their rulers, and should
in no way cause them to
evade the payment of their
proportion of other higher taxes

and

and assessments; nor should Missionaries uphold them in such acts. But foreign Missionaries, while it is their duty to refrain from any interference between natives and the officials + except to explain cases when explanations will be of service to enable justice to be done, and which the officials will, without doubt, always be glad to have if they are honest, cannot be held subject to Chinese law except in the way of arrest and delivery to the Consular officers of their own country according to the rule laid down in the treaties.

In

In the case cited which occurred in Szechuen, where it is charged that the Christian culprits ran away and evaded justice, the proper officers are, it seems to me, alone responsible for all this. The missionaries had no right to shield, screen or secrete these people, nor should they be censured if they refuse to ask the aid of police officers in the arrest of christians. This all belongs to the local officials to do. If the men were guilty I fail to see any good reason why they were not arrested and punished, the same as Ho Tsai and Sieh Fuh. If the officers

officers had done their duty

Rule V seems to me proper enough except that portion authorizing a refusal of passports for provinces where rebellion may exist. If consented to this might practically nullify the whole passport system provided for in the treaties. Missionaries will hardly take the risk of going into districts where rebellion is rife, and if they do, on them will fall the penalty of such rash acts. In the last ten years, during which passports have been granted, no cases have been reported, in which the holders have gone among rebels.

1

rebels to aid them in any way

Rule VI. I fail to see what practical good would come from a registry of the members of each Church were it assented to. It is not to be supposed that all enrolled as members of the Buddhist, Taoist, Confucian or Christian sects, are pure and honest men; nor should the fact of their being so enrolled, exempt them from arrest and punishment in case they commit offences against the laws.

In the cases mentioned that happened in Kweichau in 1866 and 1869, instead of making these a ground of general complaint

to

to the Foreign office, why did not the Governor cause the arrest and punishment of the brigands! Their professions of christianity, certainly did not exempt them from the just consequences of their evil deeds.

It would seem that the officers, instead of attending to their own proper duties in the administration and due execution of the laws, chose to allow these people to escape for the purposes of reporting these cases, and on them founding a general charge against christianity, and the missionaries. If lawless people, or rather christians

or

or non-christians, are allowed to oppress the orphans and the helpless, decive and exact from the villagers and assume important positions in the Courts, instead of listening to such complaints from those whose duty it is to prevent and punish such outrages, the officials should, it seems to me, be summarily deprived of their rank and severely punished for allowing these things to go on.

Rules VII and VIII. If the Missionaries assume to exercise powers unauthorized by Treaty and Regulations, use seals, or adopt a style in addressing

addressing the officials in any way unbecoming the representative of the Government to which they belong, upon a proper statement of the facts, would issue such orders as would prevent a repetition of such improprieties. In case of any grop breach of etiquette by an American missionary, I should, upon the fact being made known to me, take steps to prevent such occurrences in the future It is the custom of the American Missionaries to use caution when they go to a new place to rent rooms or houses, and they endeavor by all means

to

to so manage as to gain the
good will of the people.
Instances have occurred where
they have been prevented from
renting or buying property for
no other reason apparently
than a disposition to embarass
and hinder them in their
preaching. Many cases of
this kind have occurred, which
would have formed such grounds
for complaint to the Foreign office.
I have, however, refrained from
making complaints of this
character as I felt sure that
as soon as the real purposes
of the missionaries became
better understood, there would

be

be less and less opposition to them on the part of the people

With reference to the restoration of property which was confiscated many years ago, and of the use of which its proper owners have been deprived, that is a matter which concerns the missionaries of the Roman Catholic faith alone, and must be arranged with the representatives of France. It is perhaps but natural that disputes and difficulties should occur in the settlement of such a question. No fixed rule is possible which will apply in all cases of this nature. Nothing but

Mutual

mutual forbearance, and a
desire to settle amicably, in a
spirit of justice, these questions,
will be likely to accomplish a
satisfactory result. The
experience gained in the solution
of these questions will, undoubt-
-edly, prove a useful lesson
to both officials and people.
It will clearly demonstrate
that unjust and unlawful
persecutions and confiscations
will require reparation sooner
or later, and prove that the
best way to avoid the difficulties
that have caused so much
anxiety and trouble during
the past ten years is, to act
justly.

justly towards all people and all religious sects;— then foreign nations will have no claims of this nature to urge

To assure peace in the future the people must be better informed of the purposes of foreigners. They must be taught that merchants are engaged in trade which cannot but be beneficial to both nations and foreigners, and that missionaries seek only the welfare of the people and are engaged in no political plots or intrigues against the Government.

Whenever cases occur in which the missionaries overstep the bounds

bounds of decorum or interfere
in matters with which they
have no proper concern, let
each case be reported promptly
to the Minister of the Country to
which it belongs. Such isolated
instances should not produce
prejudice or engender hatred
against those who observe their
obligations, nor should sweeping
complaints be made against
all on this account. Those
from the United States sincerely
desire the reformation of those
whom they teach, and to do
this they urge the examination
of the Holy Scriptures, wherein
the great doctrines of the
Gospel

present and a future state, and
also the resurrection of the soul
as set forth, with the obligation
of repentance, belief in the
Saviour, and the duties of
man to himself and others.
It is owing, in a great degree,
to the prevalence of a belief
in the truths of the Scriptures
that Western nations have
attained their power and prosperity.
To enlighten the people is a
duty which the officials owe
to the people, to foreigners and
themselves; for if, in consequence
of ignorance, the people
grow discontented and insurrection
and riots occur, and the lives
and

and property of foreigners are destroyed or imperilled the Government cannot escape its responsibility for these unlawful acts.

If the danger is as great as the contents of your communication would appear to indicate, and that owing to the ignorance of the common people all will be likely to suffer irrespective of nationality or religious belief, then it certainly is a matter of great concern to all foreign Governments, which should lead them to consult and seek means to prevent if possible

such

such a catastrophe, and
also adopt measures for
defending their rights under
the several treaties.

If I have failed to com-
prehend fully the difficulties
and dangers which surround
the situation which you have
endeavored to point out, or
if I have omitted noticing
any point of importance,
I am quite ready and
willing to meet you and the
other members of the Foreign
office and discuss these,
as well as other questions
of difference between your
country and foreign nations

in

in a spirit of forbearance
with an earnest desire to so
arrange and settle all questions
that peace and mutual confidence
may long continue

With renewed assurances of
regard and consideration
I have the honor to remain
Your Excellencie's

Obedient Servant
Frederick F Low

Enclosure No 3
Dispatch No 56

Translation

Copy of a confidential note addressed by the Chinese Minister Wen-Hsiang to Sir Rutherford Alcock late British Minister at Peking

June 26. 1869

The writer again addressed [Sir R Alcock]

The object of foreigners who enter the interior to propagate their doctrines is the exhortation of men to virtue. But among their converts there are evil disposed and ill disposed; [the latter] relying on their creed as a sort of magic spell which shall protect them, by their conduct

conduct bring the preaching of Christianity into such discredit that [the people] are unwilling to allow the missionary to remain in any place that he goes to. Add to this that the missionary only thinks of the number of converts he can make; he makes no enquiry into private character, but receives and enrols all [who come] Having entered the [Christian] society the good are [sure] no doubt, on being good, but on the other hand the evil make [their religion] a pretext for defrauding and oppressing unoffending people, till by dint indignation and rage reach a point at which the relations

of

of the two parties become as those of fire and water. At the present time as the British Ministers must doubtless be well aware, case after case of murder has occurred, the consequence of feuds between Christians and non-Christians

Although the creeds of the various foreign countries differ in their origin and development from each other, the natives of China are unable to see the distinction between them. In their eyes all [teachers of religion] are "missionaries from the West", and directly they hear a lying story [about any of these missionaries] without

making

making farther and minute
enquiry [into its truth], they rise
in a body to molest him.
The Yang-chow affair is plain
evidence of this

Now if no preventive
measures be taken some great
catastrophe will inevitably
arise.

Regulations ought therefore
to be drawn up, with such
care as shall enable them
to protect natives Christians
from making their religion
a pretext for extorting money
from honest people; or the
non-christians from taking
advantage of their numerical
superiority to defraud and

oppress

apply to the Christians; which shall besides bring missionaries, even as the priests of the Buddhist and Taoist sects, under the jurisdiction of the local authorities.

Seeing that missionaries wish to reside in China and that their doctrines may gradually be propagated far and wide, they cannot wish the Chinese to look upon them as differing from themselves. They ought therefore to rank themselves on the same footing as Chinese subjects.

Buddhism is also a creed of western origin, but the reason why its followers have so long been at peace with the Chinese, each party adhering to his own religion

religion, is this: that although there is a difference of religion, the propagators of this creed are, as well as the others, under the control of the local authorities; and so in Confucianism in China, the system most esteemed when such men as Chin-Shih and Han-lin (those who have taken the highest degrees) after having filled official positions returns home, or become the heads of schools, they become subordinate as they were before [they took office] to the local authorities. This is always the rule. At the present time foreign missionaries ~~do~~ as a general rule adopt the Chinese

dress

dress, but they do not [at the same time] submit to Christian law. They thus begin by holding themselves as outside [the pale of the law] and show to others that they are not to be treated as ordinary people; and the native Christians go further. They defraud and oppress ordinary subjects of the country, or withstand and disobey the authorities. [Such being the case] it is not to be wondered at that men become indignant, and that surprise is everywhere manifested.

But let only this change be made; viz: that [missionaries] be placed under the control of the

the local authorities; (who must not be allowed to be vexatious in their treatment of them) and the result will be that Christians and non-Christians will be placed on a fair level vis à vis each other, and no troubles will arise from unexpected sources.

The missionary question moreover gravely affects the whole question of commercial relations. Such measures must therefore be devised in time, that shall ensure the maintenance of everlasting and sincere friendship.

The Writer hopes for a reply

END